

N. Y. Ny. Dept. of Health.

THE SANITARY CODE
OF
THE CITY OF NEW YORK

With Amendments to July 31, 1939



Bx. 1263

Together with an

APPENDIX

Containing Chapter 22 of the New York City Charter and Chapter 22 of the Administrative Code of the City of New York which relate to the Department of Health, and selected provisions from other laws pertaining to health.

For Sale at

CITY RECORD OFFICE
2213 Municipal Building, Manhattan

PRICE 50 CENTS

348718

SEARCHED
INDEXED
SERIALIZED
FILED

New York, N.Y. Department of Health

THE SANITARY CODE
OF
THE CITY OF NEW YORK

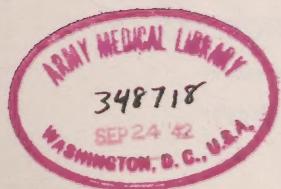
With Amendments to July 31, 1939



Together with an

APPENDIX

Containing Chapter 22 of the New York City Charter and Chapter 22 of the Administrative Code of the City of New York which relate to the Department of Health, and selected provisions from other laws pertaining to health.



DEPARTMENT OF HEALTH

City of New York

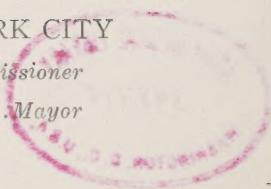
Cooperation with the health authorities and the observance of the law are indispensable in the prevention of disease and the promotion of public health.

Compiled by

I. ROBERT WOLF
Department Counsel

DEPARTMENT OF HEALTH—NEW YORK CITY

JOHN L. RICE, M.D. *Commissioner*
FIORELLO H. LAGUARDIA. *Mayor*



T A B L E O F C O N T E N T S

	<small>PAGE</small>
Introductory	5
SANITARY CODE OF THE CITY OF NEW YORK	
Article 1. Short Title and Definitions	9
2. Animals	11
3. Births, Fetal Deaths and Deaths	16
4. Buildings	22
5. Cold Storage	25
7. Diseases	26
8. Drugs, Medicines and Cosmetics	36
9. Food and Drink	44
10. General Provisions	67
11. Midwifery	70
12. Miscellaneous Provisions	71
13. Offensive Materials	77
14. Plumbing, Drainage and Sewerage	82
15. Railroad Cars and Other Public Vehicles	85
16. Street Conditions	86
17. Trades, Occupations and Businesses	87
18. Vessels and Seamen	92
 APPENDIX	
(A) Chapter 22 of the New York City Charter, relating to the Department of Health	99
(B) Chapter 22 of the Administrative Code of the City of New York, relating to the Department of Health	103
(C) Article 17-b of the Public Health Law of the State of New York, relating to Certain Contagious (venereal) Diseases	115
(D) Section 18-d of the Public Health Law of the State of New York, relating to Serological Blood Tests for Syphilis of Pregnant Women	117
(E) Sections 13 to 15 inclusive, of the Domestic Relations Law of the State of New York, relating to Serological Blood Tests for Licensing and Solemnization of Marriages	118
(F) Article 12 of the Labor Law of the State of New York, relating to Bakeries and Confectioneries	124
INDEX TO SANITARY CODE	129

INTRODUCTORY NOTES

1. The Sanitary Code of the Board of Health of the Department of Health of the City of New York was generally revised and amended by the Board of Health December 31, 1914 and filed, as thus revised and amended, with the City Clerk of the City of New York on April 9, 1915 pursuant to the provisions of Section 1172 of the Greater New York Charter. Further amendments thereto were adopted by the Board of Health and filed with the City Clerk pursuant to the provisions of said section and, since January 1, 1938, pursuant to the provisions of Section 558 of the New York City Charter. Prior to January 1, 1938 the Sanitary Code constituted Chapter 20 of the Code of Ordinances of the City of New York. Chapter 929 of the Laws of 1937 "AN ACT to provide an administrative code for the city of New York in harmony with and supplemental to the New York city charter" which became law December 30, 1937, did not affect the Sanitary Code but as a result thereof it became a separate code. By the addition of a new Section 1 to the Sanitary Code, (adopted by the Board of Health on June 8, 1939) the Code was given the short title of the "Sanitary Code of the City of New York." Section 558 of the New York City Charter, reads as follows:

SANITARY CODE

"Sec. 558. a. The sanitary code which is in force in the city on the date at which this charter takes effect and all existing provisions of law fixing penalties for violations of the code and all regulations of the board of health on file with the city clerk on the date when this charter takes effect shall continue to be binding and in force except as amended or repealed from time to time. Such code shall have the force and effect of law.

b. The board of health is hereby authorized and empowered from time to time to add to and to alter, amend or repeal any part of the sanitary code, and may therein publish additional provisions for the security of life and health in the city and confer additional powers on the department not inconsistent with the constitution or laws of this state or with this charter, and may provide for the enforcement of the sanitary code or any orders made by the commissioner or the board of health, by such fines, penalties, forfeitures and imprisonment as may be prescribed therein or otherwise by law.

c. The board of health may embrace in the sanitary code all matters and subjects to which the power and authority of the department extends, not limiting their application to the subject of health only.

d. Any violation of the sanitary code shall be treated and punished as a misdemeanor. Pecuniary penalties for violations of the sanitary code may be recovered in a civil action before any justice or tribunal in the city having jurisdiction of civil actions.

e. No amendment or addition to the sanitary code or repeal of any provision thereof adopted by the board of health subsequent to the date of going into effect of this charter shall become valid and effectual until a copy of such amendment, addition or repeal duly certified by the secretary of the board be filed with the city clerk. Upon such filing the amendment or addition shall be part of the sanitary code and shall be published forthwith in the City Record by the city clerk.

f. The board of health may add, amend and repeal regulations in regard to any matter contained in the sanitary code, and such regulations when filed with the city clerk shall have the same force and effect as a provision of the sanitary code and shall be published forthwith in the City Record.

g. No action shall abate, or right of action already accrued be abolished, by reason of the expiration, repeal or amendment of any provision of the sanitary code or regulations in regard thereto."

2. The Board of Health is a part of the Department of Health of the City of New York and consists of the Commissioner of Health as Chairman and four members, at least two of whom must be doctors of medicine who have had not less than ten (10) years' experience in clinical medicine, public health administration or college or university public health teaching. These members are

appointed by the Mayor for overlapping terms of 8 years each and serve without compensation. The first four members were appointed for terms of 2-4-6 and 8 years respectively. The Department of Health of the City of New York has jurisdiction to regulate all matters affecting health in the city. Its authority, duties and powers extend over the city and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law. Unless otherwise provided by law, it is the duty of the Department to enforce all provisions of law applicable in the area under its jurisdiction for the preservation of human life, for the care, promotion and protection of health and relative to the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof. The Commissioner of Health has all the powers and duties of the Department, except those vested by law in the Board of Health. (See Appendix "A"—Sections 553, 555 and 556 of the New York City Charter.)

3. Many sections of the Sanitary Code make specific reference to regulations of the Board of Health. These regulations were adopted by the Board of Health and filed with the City Clerk. The Department of Health prints these regulations in pamphlet form for each section or subject. A copy of a particular section of the Sanitary Code and the regulations relating thereto, may be obtained upon application to the Secretary of the Department of Health, 125 Worth Street, New York City.

4. Pursuant to the provisions of Section 982-8.0 of the Administrative Code of the City of New York, (as amended by Chapter 763 Laws 1939) all courts are required to take judicial notice of all laws contained in the Sanitary Code and of all regulations adopted by the Board of Health.

Throughout this Code the letters S.C. followed by a section number, and printed in parentheses at the end of a section, refer to the section number of the Code prior to the general revision, December 14, 1914.

THE SANITARY CODE OF THE CITY OF NEW YORK

THE SANITARY CODE OF THE CITY OF NEW YORK

Article 1. Short title and definitions.*
 2. Animals.
 3. Births, fetal deaths and deaths.*
 4. Buildings.
 5. Cold storage.
 7. Diseases.
 8. Drugs, medicines and cosmetics.*
 9. Food and drink.
 10. General provisions.
 11. Midwifery and care of children.
 12. Miscellaneous provisions.
 13. Offensive materials.
 14. Plumbing, drainage and sewerage.
 15. Railroad cars and other public vehicles.
 16. Street conditions.
 17. Trades, occupations and businesses.
 18. Vessels and seamen.

ARTICLE 1

SHORT TITLE AND DEFINITIONS.

Section 1. Short title.
 2. Definitions.

§1. Short title.

This Code shall be known and may be cited as the "Sanitary Code of The City of New York." (*Adopted June 8, 1939*).

§2. Definitions.

Unless otherwise expressly stated, whenever used in the Sanitary Code or in the regulations of the Board of Health relating thereto, the following terms shall be taken to mean and include:

1. "Ashes." Cinders, coal and every other substance which is left unconsumed by fire in stoves, furnaces, ranges, fire-pots, fireplaces, and other such places.

2. "Bakeries." All buildings, rooms, or places used or occupied for the purpose of making, preparing, or baking bread, biscuits, pastry, cake, doughnuts, crullers, noodles, macaroni, or spaghetti, to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding-houses, or private residences wherein such products are prepared to be used and are used exclusively on the premises.

3. "Board" and "said board." The Board of Health of the Department of Health of The City of New York.

4. "Boarding-house." Every building and part hereof other than a hotel, inn, or lodging-house, wherein meals or lodging, or both, may be obtained for hire (customarily by the week).

5. "Butcher." Whoever is engaged in the business of keeping, driving, or slaughtering cattle, or in selling any meat.

6. "Cattle." All animals, except birds, fowl, and fish, of which any part of the body is used as food.

7. "Cellar." Every basement or lower story of any building or house, of which said basement or lower story one-half or more of the height from the floor to the ceiling is below the level of the street adjoining, or the surface of the adjacent yard, court, or ground.

8. "Commissioner" or "Commissioner of Health." The Commissioner of Health of the Department of Health of The City of New York.

9. "Department." The Department of Health of The City of New York.

* Titles of Articles amended June 13, 1939.

10. "Dirt." Natural soil, earth, gravel, sand, and loose pieces of broken stone.
11. "Factory" and "manufactory." Any mill, workshop, or other manufacturing or business establishment, and all buildings, shops, and structures, or other places used therefor or in connection therewith, where one or more persons are employed at labor.
12. "Fish." Every part of any animal that lives in water or the flesh of which is not meat.
13. "Food." All substances, except drugs, used or intended to be used for human consumption, including meat, fish, vegetables, drink, confections, and condiments, whether simple, mixed, or compound.
14. "Garbage." Swill and every accumulation of both animal and vegetable matter, liquid or otherwise, that attends the preparation, decay, and dealing in, or storage of, meat, fish, fowls, birds, or vegetables.
15. "Light" or "lighted." Natural, external light.
16. "Lodging-house." Any house or building or portion thereof, in which persons are harbored, or received, or lodged, for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in, for any term less than a week.
17. "Meat." Every part of any land animal, and eggs (whether mixed or not with any other substance).
18. "Permit." The permission in writing of the Board of Health, or the Commissioner of Health, issued according to the provisions of this code, of any statute, or of the regulations of the Board of Health.
19. "Person." Every individual, corporation, firm, and joint stock association.
20. "Physician." Every person who holds himself out as being able to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition, and who shall either offer or undertake by any means or method, to diagnose, treat, operate, or prescribe for any human disease, pain, injury, deformity, or physical condition.
21. "Public laundry." Any place where articles are laundered for the general public for hire.
22. "Public place." Every street (as hereinafter defined), park, pier, dock and wharf, and every open space therewith connected; all waters within the jurisdiction of The City of New York; every public yard, ground, and area; every space open to the public between a building and the street, between buildings, and between streets; all places of public assemblage, including every place of public worship, amusement, entertainment, or instruction, and every place where an appreciable number of persons gather for any purpose whatever, and every public room or space connected with, and every means of entrance to or exit from, any of the said places; all places and premises where goods, wares, and merchandise are sold or offered for sale, including all public rooms or places therewith connected; every railroad car, and every other public vehicle; every railroad depot, station, and platform, and every public room or space connected therewith, and every stairway and other means of entrance thereto or exit therefrom; every ferryboat and ferry-house, and every public room or space connected with, and every means of entrance to or exit from, such ferry-house.
23. "Refuse." Waste material other than rubbish, ashes, or garbage, that attends use or decay and accumulation from the occupancy of buildings or premises.
24. "Report." A report in writing, signed by the person who makes the same and indicating his official position, if any such position be held.
25. "Rubbish." Solid waste material, accumulating or resulting from the use of occupancy of buildings or premises, such as paper, straw, excelsior, rags, bottles, old clothes, old shoes, tin cans, and other materials of a similar character.
26. "Sanitary code." The Sanitary Code of The City of New York.
27. "Stable." Every building or portion thereof in which any horse, cattle, or other animal shall be kept.
28. "Streets." Avenues, public highways, sidewalks, gutters, and public alleys, lanes, and paths.
29. "Theatre." The building, room, and place, where any play, concert, opera, circus, trick or jugglery show, gymnastic or other exhibition, masquerade, public dance, or other public gathering, drill, lecture, address, or other form of public entertainment, amusement, or instruction are, is, or may be, held, given,

furnished, performed, or takes place, and every public room or space connected with, and every means of entrance to or exit from, any such place.

30. "Vegetable." Every article used for human consumption as food, other than meat, fish, or milk.

31. "Milk." The whole, fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows, properly fed and kept, excluding that obtained fifteen days before and five days after calving, or such longer period as may be necessary to render the milk practically colostrum free.

32. "Skimmed milk." The clean, pure, wholesome and unadulterated milk, from which substantially all milk fat has been removed.

33. "Cream." That portion of clean, pure, wholesome and unadulterated milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force, to which no substance whatsoever has been added, except milk or skimmed milk for the purpose of standardization.

34. "Condensed milk." The product resulting from the evaporation of a considerable portion of the water from clean, pure, wholesome and unadulterated milk, also commonly known as evaporated milk or concentrated milk, and when sugar (sucrose) has been added is commonly known as sweetened condensed milk, sweetened evaporated milk, sweetened evaporated milk or sweetened concentrated milk.

35. "Condensed skinned milk." The product resulting from the evaporation of a considerable portion of water from clean, pure, wholesome and unadulterated skinned milk, also commonly known as evaporated skinned milk or concentrated skinned milk, and when sugar (sucrose) has been added is commonly known as sweetened condensed skinned milk, sweetened evaporated skinned milk or sweetened concentrated skinned milk.

36. "Dried milk." The product resulting from the removal of the water from clean, pure, wholesome and unadulterated milk.

37. "Dried skinned milk." The product resulting from the removal of the water from clean, pure, wholesome and unadulterated skinned milk.

38. "Modified milk." The clean, pure, wholesome and unadulterated milk, which has been changed by the addition of water, sugar of milk, or other substance intended to render the milk suitable for infant feeding.

39. "Chocolate milk" and "cocoa milk." The products obtained by the addition of wholesome chocolate or cocoa syrup respectively to wholesome unadulterated fluid whole milk.

40. "Chocolate flavored drink" and "cocoa flavored drink." The products obtained by the addition of wholesome chocolate or cocoa syrup respectively to wholesome fluid skinned milk or to water and powdered skinned milk or powdered whole milk.

41. "Buttermilk." The product that remains when butter is removed from clean, pure, wholesome and unadulterated milk or cream in the process of churning.

42. "Cultured buttermilk." The product resulting from the souring of pure wholesome fluid skinned milk with lactic culture or other milk cultures, or by treatment in any other manner satisfactory to the Board of Health.

43. "Homogenized milk." Milk which has been subjected to a treatment whereby its fat content will remain in such state of dispersion so that after 48 hours of quiescent storage, the percentage of butter fat in the upper 1/10 portion of one or more containers of milk will not exceed by more than 5% the percentage of butter fat in the remaining portion of milk in the container or containers.

44. "Malted milk." The product made by combining clean, pure, wholesome and unadulterated milk with the liquid separated from a mash of ground barley, malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate and potassium bicarbonate, in such manner as to secure the full enzymic action of the malt extract and by removing water.

(Amended June 30, 1915, November 27, 1918, July 22, 1919, July 24, 1923, December 14, 1937 and June 8, 1939. Formerly §1 and renumbered §2 by amendment of June 8, 1939; former §2 repealed June 8, 1939).

ARTICLE 2

ANIMALS

Section 3. Glanders, farcy, and other contagious diseases; duty of veterinarian to report; animals suffering therefrom not to be retained or exposed; destruction authorized.

4. Animals suffering from or exposed to contagious diseases not to be brought into or kept in city.
5. Animals injured or diseased beyond recovery and abandoned, to be destroyed.
6. Animals injured or diseased past recovery, dead or affected with an infectious or contagious disease to be reported and removed.
7. Dead, sick, or injured animals; interference by unauthorized persons prohibited.
8. Dead, sick, or injured animals; conditions dangerous to life or detrimental to health prohibited.
9. Dead horses; to be tagged before placing in street.
10. Rabid and vicious animals; dogs or other animal bites; department of health to be notified; surrender, removal and destruction regulated.
11. Horses, cattle, swine, sheep, geese, and goats; not to be kept or yarded without a permit.
12. Keeping of cows regulated.
13. Tuberculin test of cows; certificate.
14. Cattle, adequate ventilation, proper food and water to be provided.
15. Cattle; method of transporting in vehicles restricted.
16. Shelter for homeless animals; site to be approved; conduct thereof regulated.
17. Dogs not permitted in any public place unless muzzled or leashed.
18. Sale of small animals regulated.
19. Live rabbits, or poultry; the keeping, killing, and sale regulated.
20. Birds of psittacine family regulated; importation, breeding and sale prohibited; exception.
21. Horses to be tested for glanders.
22. Keeping of wild animals prohibited.

§3. Glanders, farcy, and other communicable diseases; duty of veterinarian to report; animals suffering therefrom not to be retained or exposed; destruction authorized.

(a) Every veterinarian who shall examine or professionally attend any animal in the City of New York affected with glanders or farcy, or any other communicable disease, shall immediately upon the discovery that such animal is thus affected, report in writing to the Department of Health the location of such diseased animal, the name and address of the owner thereof, and the type and character of the disease.

(b) No person shall keep or retain, or cause or allow to be kept or retained, at any place in the City of New York, any animal affected with glanders or farcy, or any other communicable disease, but shall immediately upon his or her discovery that such animal is thus affected, report the fact and the location of such animal to the Department of Health.

(c) The Director of the Bureau of Preventable Diseases of the Department of Health shall cause every such animal to be promptly isolated or killed, and, if killed, the body thereof to be promptly removed and disposed of in such manner as he shall designate.

(S. C., §125; as amended June 8, 1938).

§4. Animals suffering from or exposed to contagious diseases not to be brought into or kept in city.

No cattle, swine, sheep, horses, dogs, or cats, which are affected with or have been exposed to any disease which is contagious among such animals, shall be brought into or kept in the city of New York. (S. C., §124).

§5. Animal injured or diseased beyond recovery and abandoned, to be destroyed.

Any animal, in any street or public place within or adjacent to the built-up portion of the city of New York, appearing, in the opinion of any officer or inspector of the department of health (and that of two citizens, requested by such officer or inspector to view, in his presence, the said animal), to be so injured or diseased as to preclude the possibility of such animal thereafter serving any useful purpose, and not being properly cared for, may, if not removed within one hour after being found in such condition by the said officer or inspector, be

destroyed by or according to the direction of the said officer or inspector. (S. C., §129).

§6. Animals injured or diseased past recovery, dead, or affected with an infectious or contagious disease to be reported and removed.

Any person owning or having in his charge or under his control an animal injured or diseased past recovery, or dead, and not killed for or proper for use as food, or affected with an infectious or contagious disease, in the city of New York, shall, immediately upon discovering or learning such fact, notify the department of health thereof, and shall, under the direction of the sanitary superintendent, an assistant sanitary superintendent, or the director of the bureau of infectious diseases, of the department of health, or an officer of the police department, remove or cause the removal of such animal to such place as such official shall designate. (S. C., §130).

§7. Dead, sick, or injured animals; interference by unauthorized persons prohibited.

No person other than a police officer or an inspector or officer of the department of health, or other person authorized by law so to do, shall, in any way interfere with any dead, sick, or injured animal in any street or public place in the city of New York, except that the owner or person having control of such animal may terminate its life in the presence and by the consent of any such officer, inspector, or person. (S. C., §131).

§8. Dead, sick, or injured animals; conditions dangerous to life or detrimental to health prohibited.

No person shall leave in or throw into any street or public place, or public water, in the city of New York, or offensively expose or bury, anywhere in the said city, the body (or any part thereof) of any dead, sick, or injured animal; nor shall any person keep any dead animal or any offensive meat, bird, fowl, or fish, in a place where the same may be dangerous to the life or detrimental to the health of any person. (S. C., §128).

§9. Dead horses; to be tagged before placing in street.

All dead horses, before being placed in the street, must bear a tag giving the name and address of the owner thereof and the stable from which the horse is removed. At twilight, if such dead horse has not been removed, there shall be placed by the owner, conspicuously, immediately in front thereof, suitable and sufficient lights, properly protected, which shall be kept burning during the night until such dead horse has been removed; and no person shall interfere with, obstruct, or remove such light until such horse is removed. (S. C., §126; *amended July 24, 1923*).

§10. Rabid and vicious animals; dog or other animal bites; Department of Health to be notified; surrender, removal and destruction regulated.

1. Every animal that is mad or has rabies shall at once be killed by a representative of the Department of Health, a police officer or other authorized person or agency, and it shall be the duty of such person to notify immediately the Department of Health of the location of the body of such animal. Every person having knowledge of an animal that has died of rabies or suspected of having died of rabies shall notify immediately the Department of Health of the location of the body of such animal. In any of the aforesaid instances, the body of the animal shall be surrendered to the Department of Health.

2. It shall be the duty of every veterinarian having knowledge of and of every person owning or having possession of an animal suspected of rabies or an animal that has been bitten by, or has come in contact with a rabid animal, to confine and isolate at once such animal in some secure place, to notify immediately by telephone the Department of Health thereof and of the place where such animal is confined and to surrender same to the said department.

3. Every animal that shows symptoms of rabies or is suspected of rabies shall be destroyed by the Department of Health, and every animal known to have been bitten by a rabid animal or having come in contact with a rabid animal, shall be destroyed by the Department of Health, or kept isolated and under quarantine for six (6) months in a veterinary hospital approved by the Department of Health. For the purpose of this section an animal shall be deemed to have

come in contact with a rabid animal if such animal has consorted with a rabid animal or was harbored in the same part of any premises, home, apartment or kennel with a rabid animal.

4. Should any person be bitten by a dog or other animal subject to rabies, it shall be the duty of the person bitten, and if a minor, his parent or guardian, the owner of the animal or person having the same in his possession or under his control, the person treating such bite, and the veterinarian having knowledge of such dog or animal bite, to notify immediately the Department of Health thereof, and the owner or person having possession thereof shall immediately bring and surrender said dog or animal to said Department for inspection and observation at the place or places designated by said Department. After the preliminary examination the dog or animal may be returned to the custody of the person from whom the same shall have been received, pending further examination at a future date designated by the veterinarian of the Department of Health, at which time the dog or animal shall be again brought and surrendered for further examination and observation. At the termination of the period of observation as determined by the Department's veterinarian, such dog or animal shall be released to the person from whom the same shall have been received if found not rabid or vicious, but if found to be rabid or suspicious of rabies or vicious, or vicious to such an extent as to be unsafe to be at large, it shall be destroyed by said Department. For the purposes of this section a vicious dog or animal shall be taken to mean and include a dog or animal that is mean, surly, unfriendly and that will bite a person with or without provocation, as determined by the Department veterinarian. The term "vicious to such an extent as to be unsafe to be at large" shall be taken to mean and include a dog or animal that has bitten a person or various persons on three (3) separate occasions, with or without provocation, real or imaginary.

5. Any dog or other animal found upon examination by a veterinarian of the Department of Health to be vicious, shall be surrendered by the owner or person having possession thereof to the said department and shall be destroyed by the said department.

6. It shall be unlawful to remove any dog or animal to which the provisions of this section apply, or the body of any such dog or animal, except as herein provided.

(S. C., §132; amended October 9, 1934, March 8, 1938 and May 9, 1939).

§11. Horses, cattle, swine, sheep, geese, and goats; not to be kept or yarded without a permit.

No horses shall be yarded and no cattle, swine, sheep, geese, or goats, shall be kept or yarded within or adjacent to the built-up portions of the city of New York, without a permit issued therefor by the board of health. (S. C., §73).

§12. Keeping of cows regulated.

No cows shall be kept in the city of New York without a permit issued therefor by the board of health or otherwise than in accordance with the terms of the said permit and with the regulations of said board. (S. C., §72).

§13. Tuberculin test of cows; certificate.

No milch cow or cow intended for any purpose other than slaughter, shall be admitted to the city of New York unless accompanied by a certificate stating that the said cow is free from tuberculosis, so far as may be ascertained by physical examination and the application of the tuberculin test. Said certificate shall contain a physical description of the cow, sufficiently accurate for the purpose of identification, and must be signed by a legally licensed veterinarian, who shall state the date and place of his registration. The certificate shall also bear a number which must correspond with a tag that shall have been securely attached to and be on the ear of the cow. The certificate shall also contain the date of the examination, which examination shall have been made not more than 60 days prior to the time that the cow indicated therein is brought into the city; it must also contain the place of examination, the temperature of the cow for 6 hours prior to the injection of tuberculin, the name, quality, and character of preparation of tuberculin used, the location of the injection, the quantity injected, and the temperatures from the sixth to the eighteenth hour after the injection, or until the reaction is completed. (S. C., §124; amended May 6, 1915, May 25, 1915, July 28, 1916, and December 11, 1924).

§14. Cattle; adequate ventilation, proper food and water to be provided.

No cattle shall be kept in any place, in the city of New York, where the ventilation is not adequate, and the water and food are not of such quality and in such condition as to properly preserve their health, condition, and wholesomeness for food. (S. C., §71).

§15. Cattle; method of transporting in vehicles restricted.

No cattle shall be placed or carried while bound or tied by the legs, or bound down by the neck, in any vehicle in the city of New York, but shall be allowed to freely stand in such vehicle when transported and while being therein (S. C. §77).

§16. Shelter for homeless animals; site to be approved; conduct thereof regulated.

No shelter for homeless animals shall hereafter be opened or established in the city of New York unless the site therefor be first approved by the board of health; and no such shelter shall be conducted in said city without a permit therefor issued by the said board or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §81a).

§17. Dogs not permitted in any public place unless muzzled or leashed.

No dog shall be permitted at any time, to be on any public highway or in any public park or place in the city of New York, unless effectively muzzled or restrained by a chain or leash not exceeding six (6) feet in length. (S. C., §80a; amended December 11, 1934).

§18. Sale of small animals regulated.

No person shall sell or keep for sale at any place in the city of New York any dogs, cats, birds, or other small animals, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §80).

§19. Live rabbits, or poultry; the keeping, killing, and sale regulated.

No live rabbits or poultry shall be brought into, or kept, held, offered for sale, sold or killed in, any yard, area, cellar, coop, building, premises, public market, or other public place, except premises used for farming in unimproved sections of the City, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

The word "poultry" as used herein shall be deemed to mean and include chickens, geese, ducks and other fowls or domestic birds used for food purposes. (S. C., §79; amended April 3, 1933).

§20. Birds of psittacine family regulated; importation, breeding and sale prohibited; exception.

(a) No person shall bring into the City of New York, or offer for sale, sell, give away, or breed in said City, parrots, parrakeets, love birds, macaws, cockatoos, lories, lorikeets and other birds of the psittacine family. Provided, however, that zoological gardens operated under public authority or laboratories in which scientific research is being carried out, may receive or import birds of the psittacine family in accordance with the regulations of the Board of Health.

(b) All birds having psittacosis or which are suspected of being carriers of psittacosis virus, and all birds of the psittacine family exposed to a bird having psittacosis or found or harbored on the same premises where infection with psittacosis virus is discovered or suspected, shall be immediately destroyed.

(c) On and after August 15, 1939 no dealer in birds shall keep, harbor or have in his possession any bird of the psittacine family.

(Former §20 repealed October 9, 1934; new §20 adopted April 12, 1938 and amended June 8, 1939).

§21 Horses to be tested for glanders.

No horse shall be brought into or kept in the city of New York unless it shall have been tested and found to be free from glanders by a duly licensed veterinarian, in accordance with the regulations of the board of health. (Adopted Dec. 28, 1917).

§22. Keeping of wild animals prohibited.

No person shall keep at any place in the City of New York any wild animals. This provision shall not apply to the keeping of wild animals by the Park Department or to the keeping of wild animals for exhibition or amusement purposes under a license issued by the Department of Licenses of said city.

The term "wild animals" shall be taken to mean and include tame or untame lions, bears, wolves, foxes, snakes or other animals with similar vicious propensities. *(Adopted September 12, 1933 and amended March 14, 1935).*

ARTICLE 3**BIRTHS, FETAL DEATHS AND DEATHS**

Section 31. Live birth defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical reports; registry to be kept.

32. Fetal death defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical reports; registry to be kept; duty of funeral director.

33. Deaths; duty of physician and superintendent of hospital to report and keep registry; confidential medical report; Medical Examiner to report deaths; duty of funeral directors.

34. No fee to be charged for executing and filing of certificate of birth, fetal death or death; order of Commissioner of Health for filing thereof.

36. False certificates, statements, and reports.

37. Dead bodies of human beings; permit to carry or convey required; exception.

38. Dead bodies of human beings; transit permit required; conditions under which said permit will be granted.

39. Dead bodies of human beings not to be retained or exposed.

40. Dead bodies of human beings not to be retained unburied.

41. Dead bodies of human beings; duty of persons discovering such bodies to communicate with department of health.

42. Dead bodies of human beings; interment, cremation, or other disposition; permit required.

43. Sextons; to register with Department of Health.

44. Duties of sextons and other persons.

45. Crematories, burying-grounds, cemeteries, tombs, and vaults; permit required to establish, to bury, and to open receptacle; burial of dead body restricted.

46. Business of undertaking regulated; permit required.

§31. Live birth defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical report; registry to be kept.

(a) The term "live birth" as used in this article shall mean a child born alive, and a child shall be deemed to have been born alive if there was a sign of life such as respiration, heart beat or movement of voluntary muscle, after the complete separation of the body of the child (head, trunk and limbs) from the body of the mother, notwithstanding whether the cord was or was not cut or the placenta was or was not removed.

(b) It shall be the duty of every physician and midwife who has assisted professionally at a live birth occurring in the City of New York, within two (2) days after such birth, to execute and file with the Bureau of Records of the Department of Health in the borough wherein such birth occurred, a certificate of birth, together with a supplementary medical report of said birth, upon forms furnished by said Department. When a live birth occurs in a hospital, maternity home, nursing home, or other similar institution, or on an ambulance service connected therewith, the physician or midwife assisting professionally at such birth shall execute the certificate of birth, together with the supplementary medical report of said birth, as required herein, and it shall be the duty of the superintendent of the hospital, home or institution, to file said certificate and report, in the manner and within the time hereinbefore provided.

(c) When a live birth occurs in the City of New York in the absence of a physician or midwife, it shall be the duty of the parent or parents, and if there be no parent alive, then of the next of kin of the child and of every other person present at such birth, within two (2) days after such birth, to execute and file with the Bureau of Records of the Department of Health in the borough wherein such birth occurred, upon a form furnished by said Department, a certificate of birth containing the information called for in items 1 to 9 inclusive of subdivision (d) hereof.

(d) There shall be no specific statement on the certificate of birth, indicating whether the child was born in or out of wedlock, or the marital name or status of the mother. Such certificate of birth shall contain:

- (1) The full name of the child as nearly as the same can be ascertained.
- (2) The date of birth, the name of the month being written in full.
- (3) The borough, street, and house number of the premises wherein such birth occurred; or if in a hospital or other institution, the name thereof.
- (4) The sex of the child.
- (5) The color or race of the child.
- (6) The number of children born of this pregnancy; and if more than one, the number of this child in order of birth.
- (7) The full name, birthplace, age, color or race, occupation and industry, of the father of the child.
- (8) The maiden name, residence, birthplace, age, color or race, occupation and industry, of the mother of the child.
- (9) The number of previous children born alive to this mother, the number still living immediately before this birth, and the number born alive who died before this birth.
- (10) A certification by the physician or midwife, that he or she assisted professionally at the birth, that the birth occurred on the date, at the hour, and at the place mentioned therein, and that all the other facts stated in the certificate are true to the best of his or her knowledge, information and belief.
- (11) The signature and residence of the person reporting the birth, and the date on which the certificate was signed.
- (12) Any other data or information which the Board of Health may from time to time prescribe.

(e) The supplementary medical report of a live birth shall contain such medical information pertaining to said birth as the Board of Health may prescribe. The information required and given by the physician or midwife in the supplementary medical report of said birth shall be deemed not a part of the certificate of birth. The supplementary medical report shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any purpose whatsoever, except for scientific purposes approved by the Board of Health.

(f) It shall be the duty of every physician and midwife to make and to preserve indefinitely a registry of the several live births occurring in the City of New York at which he or she has assisted professionally. Such registry shall contain an entry for each such birth giving all the information required on the certificate of birth. The registry required to be kept by this section shall be made on forms furnished by the Department of Health. When such birth occurs in a hospital, maternity home, nursing home or other similar institution, or on an ambulance service connected therewith, the physician or midwife shall make the entry in the registry, and it shall be the duty of the superintendent of such hospital, home or institution, to preserve such registry indefinitely as a part of the records of the said hospital, home or institution.

This Section to take effect January 1, 1939.

(Former §31 repealed and new §31 adopted December 12, 1938. Subdivisions (b), (c) and (d) amended June 13, 1939, effective Sept. 15, 1939.)

§32. Fetal death defined; duty of physician, midwife, superintendent of hospital, parents and others to report; confidential supplementary medical report; registry to be kept; duty of funeral director.

(a) The term "fetal death" as used in this article shall mean a stillbirth or a fetus delivered at an abortion (spontaneous, therapeutic or induced), that is, a fetus born dead, including a fetus recovered at operation in a case of ectopic

gestation, by caeserian section, and a hydatid or hydatidiform mole delivered spontaneously or by operation.

The term "born dead" shall apply to any fetus in which there was no sign of life, such as respiration, heart beat or movement of voluntary muscle, after complete separation (head, trunk and limbs) from the body of the mother, notwithstanding whether the cord was or was not cut or the placenta was or was not removed.

(b) When a fetus is born dead (fetal death) in the City of New York, it shall be the duty of the physician who has assisted professionally at the delivery, extraction or expulsion of such dead fetus, or the midwife who has assisted professionally at the delivery of such dead fetus, within twenty-four (24) hours thereof, to execute and file with the Bureau of Records of the Department of Health in the borough wherein such delivery, extraction or expulsion occurred, a certificate of fetal death, together with a supplementary medical report of said fetal death, upon forms furnished by the said Department. When a fetal death occurs in a hospital, maternity home, nursing home, or other similar institution, or on an ambulance service connected therewith, the physician or midwife assisting professionally at the delivery, extraction or expulsion of such dead fetus shall execute the certificate of fetal death, together with the supplementary medical report of said fetal death, as required herein, and it shall be the duty of the superintendent of the hospital, home or institution, to file said certificate and report, in the manner and within the time hereinbefore provided.

(c) When a fetus is born dead (fetal death) in the City of New York, it shall also be the duty of the midwife who has assisted professionally at the delivery of such dead fetus, to report such fetal death at once by telephone or messenger to the Child Health Service of the Department of Health in the borough wherein such fetal death occurred. In all such cases, the midwife shall execute the certificate of fetal death and leave it at the place of fetal death for countersigning by a medical inspector of said Department and then file the certificate in the manner and within the time hereinbefore provided.

(d) When a fetus is born dead (fetal death) in the City of New York in the absence of a physician or midwife, it shall be the duty of the parent or parents, and if there be no parent alive, then of every other person present at such fetal death, to report such fetal death immediately by telephone to the office of the Chief Medical Examiner in the borough in which said fetal death occurred. It shall also be the duty of every person who finds a dead fetus to make a similar report. The Chief Medical Examiner, in every fetal death investigated by him or his office, shall execute and file a certificate of fetal death, upon a form provided by the Department of Health, with the Bureau of Records of said Department in the borough wherein the fetal death occurred, or the fetus was found, within twenty-four (24) hours of the fetal death, or the finding of the fetus. If the required information is not completely available, a tentative certificate of fetal death, giving all available information, shall be filed by the Chief Medical Examiner in the time period hereinbefore provided, and such tentative certificate of fetal death shall be replaced by a permanent certificate of fetal death when the missing information shall be available, or the case is closed in the Chief Medical Examiner's records.

(e) The certificate of fetal death shall contain the information similar to that required for a live birth in Items 2 to 12 inclusive of subdivision (d) of Section 31 and, in addition thereto, a statement of the cause of the fetal death.

(f) The supplementary medical report of a fetal death shall contain such medical information pertaining to the fetal death as the Board of Health may prescribe. The information required and given by the physician or midwife in the supplementary medical report of said fetal death, shall be deemed not a part of the certificate of fetal death. The supplementary medical report shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any purpose whatsoever, except for scientific purposes approved by the Board of Health.

(g) It shall be the duty of every physician and midwife to make and preserve indefinitely a registry of the several fetal deaths occurring in the City of New York at which he or she was in professional attendance. Such registry shall contain an entry for each fetal death giving all the information required on the certificate of fetal death. The registry required to be kept by this section shall be made on forms furnished by the Department of Health. When such fetal death occurs in a hospital, maternity home, nursing home, or other similar institution, or on an ambulance service connected therewith, the physician or mid-

wife shall make the entry in the registry and it shall be the duty of the superintendent of such hospital, home or institution, to preserve such registry indefinitely as a part of the records of the said hospital, home or institution.

(h) A person required by this section to file with the Bureau of Records a certificate of fetal death together with a supplementary medical report of said fetal death shall be deemed to have fulfilled such requirement if he delivers the certificate of fetal death and such supplementary medical report, immediately upon demand and within the prescribed time limit for the filing thereof, to a funeral director who holds a permit from the Department of Health or the Board of Health of said Department to engage in the business or practice of undertaking in the City of New York, and who has been duly authorized by the nearest surviving relative to take charge of the fetus. A funeral director who, pursuant to the provisions of this section, obtains such a certificate of fetal death and supplementary medical report, shall be required to file such certificate and report with the Bureau of Records in the same manner and within the period of time hereinbefore provided for filing thereof. Where the fetus has been delivered to the City Mortuary, the delivery of the certificate of fetal death and the supplementary medical report to the representative of the City Mortuary shall be deemed equivalent to delivery to a duly qualified funeral director.

This section to take effect January 1, 1939.

(Former §32 repealed and new §32 adopted December 12, 1938. Subdivision (e) amended June 13, 1939, effective Sept. 15, 1939).

§33. Deaths; duty of physician and superintendent of hospital to report and keep registry; confidential medical report; Medical Examiner to report deaths; duty of funeral directors.

(a) It shall be the duty of the physician who has attended a person in his or her last illness and whose death occurred in the City of New York, within twenty-four (24) hours after such death, to execute and file with the Bureau of Records of the Department of Health in the borough wherein such death occurred, a certificate of death upon forms furnished by said Department. When a death occurs in a hospital, maternity home, nursing home, or other similar institution, the physician who attended such deceased in his or her last illness shall execute the certificate of death, as required herein, and it shall be the duty of the superintendent of the hospital, home or institution to file said certificate in the manner and within the time hereinbefore provided.

(b) The certificate of death shall be in such form and contain such data and information as the Board of Health may from time to time prescribe. Where the Board of Health prescribes that the medical diagnosis of the cause of death be not stated on the certificate of death but be reported separately on a physician's confidential medical report, the physician shall detach the confidential medical report from the certificate of death, place the said report in the envelope provided for that purpose by the Department, seal and sign the envelope as directed thereon, and file it together with the certificate of death. The physician's confidential medical report of a death, required to be filed with such certificate of death, shall be deemed not a part of the certificate of death and shall be regarded and treated as a confidential and privileged communication, and shall not be subject to subpoena or open to inspection for any purpose whatsoever, except for scientific purposes approved by the Board of Health.

(c) It shall be the duty of every physician to make and preserve indefinitely a registry of the several deaths occurring in the City of New York at which the physician attended the deceased in his or her last illness. Such registry shall contain an entry for each death including such data and information as the Board of Health may from time to time prescribe, and shall be kept by the physician on forms furnished by the Department of Health. When a death occurs in a hospital, maternity home, nursing home, or other similar institution, the physician who attended the deceased in his or her last illness shall make the entry in the registry, and it shall be the duty of the superintendent of such hospital, home or institution, to preserve such registry indefinitely as a part of the records of said hospital, home or institution.

(d) When a person dies from criminal violence, by casualty, by suicide, suddenly when in apparent health, unattended by a physician, in prison, or in any suspicious or unusual manner, it shall be the duty of the physician who has responded to a call to attend such person, and if such a death occurred in a hospital, maternity home, nursing home, or other similar institution, the duty of the superintendent thereof, to report such death immediately by telephone to

the office of the Chief Medical Examiner in the borough in which such death occurred. The Chief Medical Examiner, in every death investigated by him or his office, shall execute and file a certificate of death, upon a form provided by the Department of Health, with the Bureau of Records of said Department in the borough wherein the death occurred, or the body was found, within twenty-four (24) hours of the death, or of the finding of the body. If the dead person has not been identified or if the diagnosis is not complete, a tentative certificate of death, giving all available information, shall be filed by the Chief Medical Examiner in the time period hereinbefore provided, and such tentative certificate of death shall be replaced by a permanent certificate of death when the missing information shall be available, or the case is closed in the Chief Medical Examiner's records.

(e) A person required by this section to file with the Bureau of Records a certificate of death, or a certificate of death and a properly sealed envelope containing the physician's confidential medical report of death, shall be deemed to have fulfilled such requirement if he delivers the certificate of death, or such certificate and sealed envelope containing the physician's confidential medical report, immediately upon demand and within the prescribed time limit for filing thereof, to a funeral director who holds a permit from the Department of Health or the Board of Health of said Department to engage in the business or practice of undertaking in the City of New York, and who has been duly authorized by the nearest surviving relative, or if there be none, by a friend of the deceased, to take charge of the body. A funeral director who, pursuant to the provisions of this section, obtains such a certificate of death, or such certificate and sealed envelope containing the physician's confidential medical report of death, shall be required to file such certificate, or such certificate and sealed envelope, with the Bureau of Records in the same manner and within the period of time hereinbefore provided for the filing thereof. Where the body has been delivered to the City Mortuary, the delivery of the certificate of death, or the certificate of death and sealed envelope, to the representative of the City Mortuary shall be deemed equivalent to delivery to a duly qualified funeral director.

This Section to take effect January 1, 1939.

(Former §33 repealed and new §33 adopted December 12, 1938).

§34. No fee to be charged for executing and filing of certificate of birth, fetal death or death; order of Commissioner of Health for filing thereof.—

No person required by this article to file a certificate of birth, fetal death or death, or any confidential medical report relating thereto, shall fail to file such certificate and confidential medical report respectively for each live birth, fetal death or death, with the Bureau of Records of the Department of Health in the manner and in the respective periods provided in this article; nor after the expiration of such respective periods fail to comply with an order of the Commissioner of Health, requiring such certificate of birth, fetal death or death, or any confidential medical report relating thereto, to be filed with said Bureau of Records; nor shall such person charge, demand or extract any fee for the making, executing or filing of such certificate of birth, fetal death or death, or any confidential medical report relating thereto.

This Section becomes effective January 1st, 1939.

(Former §34 repealed December 14, 1937; new §34 adopted December 12, 1938).

§35. Persons who perform the marriage ceremony must register.* (Repealed May 10, 1938).

§36. False certificates, statements, and reports.

No person shall make, prepare, deliver, or issue any false certificate, statement, or report, of a birth or death, or any certificate, statement, or report, which is not in accordance with the facts of the birth or death. All certificates, statements, and reports, of births or deaths, shall be signed by the person purporting to make the same, and no person shall sign or forge the name of another to any such certificate, statement, or report.

To take effect January 1, 1938. (S. C., §162; amended December 14, 1937).

* Persons performing marriage ceremony in New York City must register with City Clerk. Sec. 11-b Domestic Relations Law, added by Ch. 608, L. 1938.

§37. Dead bodies of human beings; permit to carry or convey required; exception.

No captain, agent, or other person, having charge of or attached to any ferryboat or sailing or other vessel, or any person in charge of any public or private vehicle or conveyance, shall convey or allow to be conveyed, thereon or therein, from, through, into, or within the city of New York, nor shall any person carry or convey, or allow to be carried or conveyed, in any manner, from, through, into, or within the said city, the dead body of any human being, or any part thereof, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of such permit and the regulations of said board; provided, however, that the same effect shall be given, under this section, to a transit permit issued by boards of health, health officers, registrars, or other duly authorized persons, in any state of the United States whose rules and regulations for the transportation of the dead shall, when such permit is issued, be in material accord with those at the time in force in the city of New York, as though such permit were issued by the board of health of the city of New York. (S. C., §163).

§38. Dead bodies of human beings; transit permit required; conditions under which said permit will be granted.

No transit permit shall be granted for the removal, burial, or other disposition of the remains of any person who shall have died in the city of New York unless a certificate of death, prepared upon a form furnished by the department of health and signed as hereinafter provided, shall have been filed in the said department.

Such certificate must be signed by a physician upon whom has been conferred the degree of doctor of medicine, or by a physician who has been granted a license after a medical examination conducted by the New York state board of medical examiners, the questions for which have been prepared by the board of regents of said state. (S. C., §163a).

§39. Dead bodies of human beings not to be retained or exposed.

The manager or superintendent of any public or private hospital wherein a mortuary is not maintained for the temporary retention of the remains of persons deceased therein shall forthwith permit the removal of the remains of such deceased persons upon presentation by an undertaker of a removal permit duly issued by the department of health. (S. C., §164; amended Aug. 10, 1922).

§40. Dead bodies of human beings not to be retained unburied.

No person shall retain unburied the dead body of any human being for a longer period than 4 days after the death of such person, without a permit from the sanitary superintendent, an assistant sanitary superintendent, or the director of the bureau of infectious diseases, which permit shall specify the length of time during which such body may be so retained. (S. C., §165).

§41. Dead bodies of human beings; duty of persons discovering such bodies to communicate with department of health.

It shall be the duty of every person who has discovered or seen the body of a dead human being or any part thereof (if there is reason for such person to think that the fact of the death, or the place of such body, or part thereof, is not publicly known), to immediately communicate to the department of health the fact that such person has discovered or seen such body, the place where, and time when, such body was discovered or seen, and (if known) the place where such body is or may be found, and any facts known by which such body may be identified or the cause of death ascertained. (S. C., §166).

§42. Dead bodies of human beings; interment, cremation, or other disposition; permit required.

No interment, cremation, or other disposition, of the dead body of any human being, shall be made in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of such permit and the regulations of said board, and the said dead body shall be placed in a metallic or tin-lined box, or a box so constructed as to prevent the issuance of any liquids therefrom. No sexton or other person shall assist in, assent to, or allow the interment, cremation, or other disposition of any such body, or aid

the preparation of or assist in preparing any grave or place of deposit for any such body, unless a permit shall have been issued, as hereinbefore provided, authorizing such interment, cremation, or other disposition of such body; and it shall be the duty of every person who shall receive any such permit to return such permit to the department of health in accordance with the regulations of the board of health. (S. C., §167).

§43. Sextons; to register with Department of Health.

Every person who acts as a sexton in the city of New York, or has the charge or care of any crematory, vault, tomb, burying-ground, or cemetery for the reception of the dead bodies of human beings, or any place wherein the bodies of human beings are deposited, shall cause his or her name and address, and every change of address, and the character of his or her duties, to be registered with the bureau of records of the department of health. (S. C., §169; *amended December 31, 1919*).

§44. Duties of sextons and other persons.

Every sexton and other person having charge of any crematory, burying-ground, cemetery, tomb, or vault, in the city of New York, shall, before 12 o'clock on Monday of each week, make a return to the department of health, which return shall set forth a record of the receipt and disposition of each body buried or cremated since the last return, and which said return shall be in such form, and shall specify such additional particulars, as the regulations of the board of health shall require. (S. C., §170).

§45. Crematories, burying-grounds, cemeteries, tombs, and vaults; permit required to establish, to bury, and to open receptacle; burial of dead body restricted.

No new crematory, burying-ground, cemetery, tomb, or vault to be used for the reception of dead human bodies shall be established, nor shall any dead body, or the remains thereof, be placed in any existing burying-ground, vault, tomb, or cemetery, in the city of New York, nor shall any grave, vault, tomb, or other receptacle in which there is a human body or any part thereof, be opened, exposed, or disturbed, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of such permit and the regulations of said board, and every body buried in any such place shall be buried to a depth of 6 feet below the surface of the ground, and 4 feet below any closely adjacent street, except that, in the borough of Queens, a body may be buried to the depth of 3 feet below the surface of the ground. (S. C., §168).

§46. Business of undertaking regulated; permit required.

No person, firm, or corporation shall carry on or engage in the business or practice of undertaking in the city of New York without a permit therefor, issued by the board of health, or otherwise than in accordance with the terms of said permit and the regulations of said board. (The provisions of this section shall take effect February 1, 1920). (*Adopted December 31, 1919*).

ARTICLE 4

BUILDINGS

Section 51. Joint and several responsibility of owner, lessee, tenant, and occupant for existence of nuisance or violation of sanitary code.

52. Inadequate strength, ventilation, light, and sewerage, of buildings, and conditions therein dangerous or prejudicial to life or health, forbidden.

53. Nuisances, conditions dangerous and prejudicial to life or health; duties of owners, tenants, lessees, occupants, and persons in charge of buildings and lots.

54. Dwellings; sanitary conditions; duties of owner and lessee.

55. Theatres, manufactories, and workrooms; sanitary conditions, lighting, heating, and ventilation.

56. Lodging-houses, boarding-houses, or manufactories, not to be overcrowded.

57. Schools, gymnasiums, and places of public worship; duties and responsibilities of persons in charge.
58. Stables; to be maintained in accordance with the regulations of the board of health.
59. Roof and skylights to be kept in good repair.
60. Walls and ceilings to be clean.
61. Water tanks on roofs of buildings; their use regulated.
62. Sleeping in cellars or in any place dangerous or prejudicial to life or health, prohibited.

§51. Joint and several responsibility of owner, lessee, tenant, and occupant for existence of nuisance or violation of sanitary code.

The owner, lessee, tenant, and occupant of every building or premises, or of any part thereof, where there shall be a nuisance, or a violation of any section of the sanitary code, shall be jointly and severally liable therefor, in so far as they, respectively, have the power to prevent or abate such nuisance or prevent such violation, and, to such extent, each of them may be required to abate the nuisance, or comply with the order of the board of health in respect to such building, premises, or part thereof. (S. C., §13).

§52. Inadequate strength, ventilation, light, and sewerage, of buildings, and conditions therein dangerous or prejudicial to life or health, forbidden.

No person, persons, or corporation, shall hereafter, in the city of New York, erect or cause to be erected, or convert or cause to be converted to a new purpose by alteration, any building or structure, or change or cause to be changed the construction of any part of any building or structure by addition or otherwise, so that it, or any part thereof, shall be inadequate or defective in respect to strength, ventilation, light, sewerage, or any other usual, proper, or necessary provision or precaution for the security of life and health; nor shall the builder, owner, lessee, tenant, or occupant of any building or structure in the said city cause or allow any matter or thing to be or to be done in or about such building or structure dangerous or prejudicial to life or health. (S. C., §16).

§53. Nuisances, conditions dangerous and prejudicial to life or health; duties of owners, tenants, lessees, occupants, and persons in charge of buildings and lots.

Every owner, lessee, tenant, occupant or person in charge of any building or premises within or adjacent to the built-up portions of the city of New York shall keep and cause to be kept the sidewalk, flagging and curbstone abutting on said building or premises free from obstructions and nuisances of every kind, and shall sweep and remove or cause to be swept and removed therefrom all garbage, refuse, filth, dirt, and other offensive material and shall keep such sidewalk, flagging, and curbstone free from garbage, refuse, filth, dirt, and other offensive material. Every such sidewalk, flagging, or curbstone shall be spattered with wet sawdust, paper or sand, sprinkled with water, or some other equally effective method or material used, to prevent and avoid the raising of dust when such garbage, refuse, filth, dirt, or other offensive material is swept or removed therefrom. Such garbage, refuse, filth, dirt, and other offensive material removed from the sidewalk, flagging or curbstone may be piled in the gutter or roadway between the hours of six and eight o'clock in the morning, but shall not be put or placed in, or swept, shovelled, thrown, emptied, or deposited into, the gutter or roadway at any other time. No such owner, tenant, lessee, occupant or person in charge shall allow anything in, on, or about such building or premises, or any condition arising or existing therein or thereon, to become a nuisance, or dangerous or prejudicial to life or health. (S. C., §41; amended December 28, 1916 and October 30, 1918).

§54. Dwellings; sanitary conditions; duties of owner and lessee.

No owner or lessee of any building, or any part thereof, shall lease or let or hire out or allow the same or any part thereof to be occupied by any person, or allow any one to dwell or lodge therein, except when said building or such parts thereof are sufficiently lighted, ventilated, provided, and accommodated, and are in all respects in that condition of cleanliness and wholesomeness for which this code or any law of this state provides, or in which the said code or any such law requires any such premises to be kept. Nor shall any such person, having power

to prevent the same, rent, let, hire out, or allow, to be used as or for a place of sleeping or residence, any cellar in any building, or any room of which the floor is damp by reason of water from the ground, or which is impregnated or penetrated by any offensive gas, smell, or exhalation, prejudicial to health. (S. C., §17).

§55. Theatres, manufactories, and workrooms; sanitary conditions, lighting, heating, and ventilation.

The owner, agent, lessee, tenant, manager, and person conducting every theatre, auditorium, assembly hall, factory, workroom, store, or office, shall cause every part thereof and its appurtenances to be put, and shall thereafter cause the same to be kept, in a cleanly and sanitary condition, and shall cause every room thereof to be adequately lighted; shall provide, in each room thereof, proper and sufficient means of ventilation by natural or mechanical means, or both, and maintain proper degrees of temperature and humidity in every room thereof; and shall cause every part of any such place to be provided with such accommodations and safeguards, as not, by reason of the want thereof, or by reason of anything about the condition of such place or its appurtenances, to cause any unnecessary danger or detriment to the life or health of any person being properly therein or thereat. (S. C., §22).

§56. Lodging-houses, boarding-houses, or manufactories not to be overcrowded.

No owner, lessee, or keeper of any lodging-house, boarding-house, factory, work-room, store, office, or place of business, shall cause or allow the same to be overcrowded or cause or allow so great a number of persons to dwell, be, or sleep in any such house, or any portion thereof, as thereby to cause any danger or detriment to life or health. (S. C., §19).

§57. Schools, gymnasiums, and places of public worship; duties and responsibilities of persons in charge.

No master or teacher, or manager of, or in, any school, public or private, or of or in any Sunday-school or gymnasium, or the officer thereof, or officer or manager or person having charge of any place of public worship, shall so far omit or neglect any duty or reasonable care or precaution respecting the safety or health of any scholar, pupil, or attendant, or respecting the temperature, ventilation, cleanliness, or strength, of any church, hall of worship, school house, school-room, or place of practice or exercise connected therewith, or relative to anything appurtenant thereto, so that by reason of such neglect or omission, the life or health of any person shall suffer or incur any avoidable peril or detriment. (S. C., §25).

§58. Stables; to be maintained in accordance with the regulations of the board of health.

No stable shall be maintained in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. The provisions of this section shall apply to the owner, lessee, tenant, occupant, or person in charge of such stable.

§59. Roofs and skylights to be kept in good repair.

The roofs, skylights, walls, and windows of all buildings shall be kept in a condition of good repair so that rain water shall not enter the building. (S. C., §24).

§60. Walls and ceilings to be clean.

All filthy and dirty walls and ceilings of any building, including the walls and ceilings of the cellars thereof, shall be thoroughly cleaned and whitewashed whenever required by the department of health. (S. C., §23).

§61. Water tanks on roofs of buildings; their use regulated.

Every tank for holding water located on the roof or external part of a building shall be kept completely covered with a tight-fitting cover. Every tank from which water is furnished for drinking and domestic purposes shall be emptied and the inside thoroughly cleaned at least once a year and at such other times as may be directed by the sanitary superintendent or an assistant sanitary superintendent of the department of health. (S. C., §62a; *amended December 21, 1915*).

§62. Sleeping in cellars or in any place dangerous or prejudicial to life or health, prohibited.

No person having the right and power to prevent the same shall knowingly cause or permit any person to sleep or remain in any cellar, in any bathroom, in any room where there is a water-closet, or in any place dangerous or prejudicial to life or health, by reason of the want of ventilation or drainage, or by reason of the presence of any poisonous, noxious, or offensive odor or substance, or otherwise. (S. C., §18).

ARTICLE 5**COLD STORAGE****Section 71. The term "food" defined.**

71. Cold storage food to be marked.
72. Time that cold storage food may be kept.
73. Food when once released for the purpose of placing same on the market for sale not to be returned to cold storage.
75. Food kept in cold storage not to be sold without representing the fact of such storage.

§71. The term "food" defined.

The term food as used in this article shall include any article, except nuts, fruits, cheese and vegetables, used for food by man or animal and every ingredient of such article.

§72. Cold storage food to be marked.

It shall hereafter be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or in the business of refrigerating, to receive any kind of food unless the said food is in an apparently pure and wholesome condition, and the food or the package containing the same is branded, stamped or marked, in some conspicuous place, with the day, month and year when the same is received in storage or refrigeration.

It shall be unlawful for any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or in the business of refrigerating, to permit any article of any kind whatsoever used for food in the possession of any person or persons, corporation or corporations, engaged in the business of cold storage warehousemen or refrigerating, to be taken from their possession without first having branded, stamped or marked on said food stuffs or the package containing same, in a conspicuous place, the day, month and year when said food stuffs or package was removed from cold storage or refrigeration.

It shall also be unlawful for any person or persons, corporation or corporations, to offer for storage in a cold storage warehouse or to place in storage in a cold storage warehouse any article of food unless the same is in an apparently pure and wholesome condition.

§73. Time that cold storage food may be kept.

It shall hereafter be unlawful for any person, corporation or corporations, engaged in the business of cold storage warehousemen or refrigerating, or for any person or corporation placing food in a cold storage warehouse, to keep in storage for preservation or otherwise any kind of food or any article used for food a longer period than twelve calendar months. (Amended December 31, 1918).

§74. Food when once released for the purpose of placing same on market for sale not to be returned to cold storage.

When food has been in cold storage or refrigeration and is released therefrom for the purpose of placing the same on the market for sale it shall be a violation of the provisions of this article to again place such food in cold storage or refrigeration.

§75. Food kept in cold storage not to be sold without representing the fact of such storage.

It shall be a violation of the provisions of this article to sell any article or articles of food that have been kept in cold storage or refrigeration, without representing the same to have been so kept.

ARTICLE 6
MEDICAL EXAMINERS

§80. Duties of medical examiners. (Repealed June 13, 1939).

ARTICLE 7
DISEASES

Section 86. Duty of persons in charge of hospitals, and of physicians, to report certain diseases and conditions.

87. Duty of every person to report persons affected with a communicable disease.

88. Duty of persons in charge of hospitals, dispensaries and other institutions and of physicians, to report cases of venereal diseases.

89. Isolation of persons affected with communicable disease, etc.; quarantine of premises and exclusion of contacts.

90. Criminal abortion or miscarriage; duty to report.

91. Puerperal septicemia, ophthalmia neonatorum, and acute epidemic conjunctivitis (suppurative conjunctivitis, pink eye); duty of persons in charge of schools, dispensaries, and other institutions, and of physicians, to report.

92. Occupational diseases and injuries; duty of persons in charge of hospitals, institutions, and dispensaries, and of physicians, to report.

93. Group of cases of food poisoning; duty of person in charge of hospitals, and of physicians, to report.

94. Exclusion of children from school or agency giving day care to children.

95. Exclusion of teachers, instructors and others affected with certain communicable diseases.

96. Isolation of persons affected with communicable diseases in institutions.

97. Removal of persons affected with any communicable disease or carrier of communicable disease germs authorized.

98. Conveying of persons affected with a communicable disease through public streets regulated.

99. Persons having a communicable disease not to engage in manufacturing in tenement houses or multiple dwellings.

100. Acts tending to promote spread of disease prohibited.

101. Concurrent and terminal disinfection, cleansing and renovation of premises, furniture, belongings and apparatus.

102. Dispensaries and clinics for treatment of communicable disease; regulated.

103. Duties of undertakers; conduct of funerals where death has been caused by certain communicable diseases.

104. Fumigants, exterminators and insecticides; permits, use, sale and distribution regulated.

105. Clinical laboratories regulated.

107. X-ray laboratories; permit required.

108. Blood donors regulated; blood donors, professional and voluntary blood donors defined; registration of professional blood donors; blood banks regulated.

109. Blood donor agency.

110. Lying-in institutions and new-born nurseries regulated.

111. Sale or use of lead nipple shields prohibited.

§86. Duty of persons in charge of hospitals, and of physicians, to report certain diseases and conditions.

1. It shall be the duty of the manager, superintendent, or person in charge, of every hospital, institution, or dispensary, in the City of New York, to report in writing to the Department of Health, the full name, address and age of every occupant or inmate thereof, or person treated therein, affected with any one of the diseases or conditions mentioned in subdivision 2 hereof, stating the name of

the disease or condition and the date of onset, within twenty-four hours after the time when the case is diagnosed, except that in syphilis, gonnorrhea and chancre the initials instead of the name may be given. It shall be the duty of every physician in the said City to make a similar report to the said Department within the same period, relative to any person found by such physician to be affected with any one of the said diseases or conditions.

The word "condition" as used in this section shall be taken to mean any of those reportable pathological conditions or matters listed herein under the headings entitled "Occupational Diseases and Injuries," "Food Poisoning," "Communicable Disease Carriers" and "Miscellaneous."

Wherever in said list reference is made to another section of the Sanitary Code, any additional requirements or reporting of additional information prescribed in such other section shall be complied with.

Wherever in said list any disease or condition is marked by an asterisk (*), such disease or condition shall be reported immediately by telephone or messenger in addition to the written report as required herein, and provided further, that if the disease is diphtheria, dysentery (amebic or bacillary), scarlet fever, streptococcus sore throat (epidemic), typhoid or paratyphoid fever, every such report shall also show whether any member of the household in which the patient resides is engaged or employed in a food handling occupation and especially in the handling of milk, cream or other dairy products for sale or preliminary to sale.

2. The reportable diseases and conditions are as follows:

A. COMMUNICABLE DISEASES

Ancylostomiasis (hookworm disease).

*Anthrax.

Chancroid (see section 88).

Chicken pox (varicella).

*Cholera (Asiatic).

Conjunctivitis, acute infectious.

(a) Ophthalmia neonatorum (see sections 91 and 201).

(b) Acute epidemic conjunctivitis (suppurative conjunctivitis, pink eye) (see section 91).

*Diarrhea in the new born up to three weeks of age occurring in a new born nursery.

Diphtheria.

Dysentery.

(a) Amebic (including amebiasis).

(b) Bacillary.

Encephalitis, epidemic, acute.

German measles (rubella or rötheln).

Glanders.

Gonococcal infection (gonorrhea) (see section 88).

*Impetigo contagiosa neonatorum occurring in a hospital giving maternity service.

Influenza.

Leprosy.

Leptospirosis icterohemorrhagica (Weil's disease).

Lymphogranuloma venereum (venereal lymphadinitis, Durant-Nicholas-Favre).

Malaria.

Measles (rubeola).

Meningitis, meningoococcus (epidemic cerebrospinal meningitis).

Mumps (parotitis, epidemic).

Paratyphoid fever.

*Plague, bubonic.

Pneumonia, all forms.

*Poliomyelitis, anterior, acute (infantile paralysis).

*Psittacosis (parrot fever).

*Rabies (human).

Rocky Mountain spotted fever.

Scarlet fever (scarlatina).

Septicemia, puerperal (see section 91).

*Smallpox (variola).

Streptococcus sore throat, epidemic (septic sore throat).

Syphilis (see section 88).
 Tetanus.
 Trachoma.
 Trichinosis.
 Tuberculosis, all forms.
 Tularemia.
 Typhoid fever.
 Typhus fever.
 Undulant fever (Malta fever).
 Whooping cough (pertussis).
 Yellow fever.

B. COMMUNICABLE DISEASE CARRIERS

*Cholera (Asiatic).
 Diphtheria.
 Dysentery.
 (a) Amebic (including amebiasis).
 (b) Bacillary.
 Meningococcus.
 Paratyphoid fever.
 Typhoid fever.

C. FOOD POISONING

Botulism.
 *Food poisoning—group of cases (see section 93).

D. OCCUPATIONAL DISEASES AND INJURIES (see section 92).

Caisson disease (compressed air illness).
 Poisoning by:
 Aniline and its derivatives.
 Arsenic.
 Benzol (benzene) and its derivatives.
 Brass.
 Carbon disulphide.
 Carbon monoxide.
 Carbon tetrachloride.
 Illuminating gas.
 Lead.
 Mercury.
 Methyl alcohol (wood alcohol).
 Phosphorus.

E. MISCELLANEOUS

*Abortions, criminal (see section 90).
 *Animal bites (see section 10).
 Drug poisoning—not suicidal (poisoning, acute or chronic, by drugs, due to self medication or on prescription).

3. All reports of cases of tuberculosis made in accordance with the provisions of this section, and all records of clinical or laboratory examinations for or indicating the presence of tuberculosis, shall be regarded as confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health and such other persons as may be authorized by law to inspect such reports or records, and in addition thereto, in Health Department clinic cases, the Commissioner of Health or his authorized representative may furnish such information as he deems appropriate to a physician or institution giving further treatment or to any agency approved by the Commissioner of Health for the purpose of prevention, treatment or social care. The custodian of any such report or record, the said Commissioner, or any such other person, institution or agency shall not divulge any part of any such report or record so as to disclose the identity of the person to whom it relates, except as provided by law.

(S. C. §133; amended Sept. 17, 1918, January 27, 1921, December 27, 1928, December 30, 1930, June 23, 1931, November 21, 1933, October 22, 1935, December 8, 1936 and June 8, 1939).

§87. Duty of every person to report persons affected with a communicable disease.

When no physician is in attendance, it shall be the duty of every person having knowledge of any person affected with any disease apparently or presumably communicable to report at once to the Department of Health all facts in relation to the illness and physical condition of any such person. (S. C. §136; *amended October 22, 1935*).

§88. Duty of persons in charge of hospitals, dispensaries and other institutions and of physicians, to report cases of venereal diseases.

1. It shall be the duty of the manager, superintendent or person in charge, of any correctional institution and of every hospital, dispensary, clinic, asylum or charitable institution in the City of New York, promptly to report to the Department of Health the full name, or initials, together with the address, sex, age, marital state and occupation of every occupant or inmate thereof or person treated therein, affected with syphilis, gonorrhea or chancroid; and it shall also be the duty of every physician in the said city promptly to make a similar report to the Department of Health relative to any person found by such physician to be affected with syphilis, gonorrhea or chancroid.

2. All reports made in accordance with the provisions of this section and all records of clinical or laboratory examinations for or indicating the presence of syphilis, gonorrhea or chancroid, shall be regarded as confidential and shall not be open to inspection by the public or by any person other than the Commissioner of Health, an authorized representative of the Department of Health and such other person as may be authorized by law to inspect such reports or records, and in addition thereto, in Health Department clinic cases, the Commissioner of Health or his authorized representative may furnish such information as he deems appropriate to a physician or institution giving further treatment, or to a midwife or any agency approved by the Commissioner of Health for the purpose of prevention, treatment or social care. The custodian of any such report or record, the said Commissioner, or any such other person, institution or agency shall not divulge any part of any such report or record so as to disclose the identity of the person to whom it relates, except as provided by law.

3. It shall be the duty of every physician to furnish and deliver to every person found to be affected with syphilis, gonorrhea or chancroid, a circular of instruction and advice, issued or approved by the Department of Health of The City of New York, and to instruct every person found by such physician to be affected with syphilis, gonorrhea or chancroid as to the precautions to be taken in order to prevent the communication of the disease to others. No person affected with syphilis, gonorrhea or chancroid, and no physician treating such a person and no hospital, dispensary, clinic, asylum, charitable or correctional institution, where such a person is being treated, shall fail to comply with the regulations of the Board of Health or by a negligent act, cause, contribute to or promote the spread of such disease.

(Amended June 28, 1917, October 22, 1935, April 12, 1938 and June 8, 1939).

§89. Isolation of persons affected with communicable disease, etcetera; quarantine of premises and exclusion of contacts.

It shall be the duty of every physician, immediately upon discovering a person affected with, or suspected of having a communicable disease, or being a carrier of communicable disease germs, to secure such isolation of such person, the quarantine of the premises, the exclusion of contacts from school or work, and to take such other action, as is or may be required by the regulations of the Board of Health.

The term "contacts" as used herein shall be taken to mean and include school teachers, school principals, school children, school custodians or attendants, attendants of agencies giving day care to children, librarians and food handlers. (S. C. §138; *amended January 30, 1917, August 14, 1934 and October 22, 1935*).

§90. Criminal abortion or miscarriage; duty to report.

It shall be the duty of the manager, superintendent or person in charge of any hospital, sanitarium, dispensary or other institution for the care and treatment of persons in the City of New York and of every physician in said City to immediately notify the Department of Health by telephone of any case of abortion or miscarriage where criminal practice is discovered or suspected. (Former §90 repealed October 22, 1935; former §91a adopted October 31, 1933, renumbered §90 October 22, 1935).

§91. Puerperal septicemia, ophthalmia neonatorum, and acute epidemic conjunctivitis (suppurative conjunctivitis, pink eye); duty of persons in charge of schools, dispensaries, and other institutions, and of physicians, to report.

(a) It shall be the duty of the manager, superintendent, or person in charge of every sanitarium, agency giving day care to children, convalescent home, home for children, reformatory, training school, boarding school, hospital, dispensary, or other institution for the care or treatment of persons, in the City of New York, to report immediately in writing to the Department of Health, the name, age (so far as can be ascertained), and residence of every person received therein or treated thereat who is affected with puerperal septicemia, ophthalmia neonatorum, or acute epidemic conjunctivitis (suppurative conjunctivitis, pink eye) specifying the name of the disease with which such person is affected, it shall be the duty of every physician in the said City to immediately make a similar written report to the said Department relative to any person found by such physician to be so affected.

(b) Every such physician, manager, or other person in charge, shall also report, in writing, the name and address of the physician or midwife in attendance at the time of the onset of such a disease, which information it is hereby made the duty of every institution herein specified to obtain and record among its records.

(c) "Puerperal Septicemia" as used herein shall be taken to mean and include every case of infection accompanied by rise of temperature during the puerperal period, and which is related to the delivery and is not due to other obvious cause or causes. (S. C., §144; amended July 23, 1918, October 22, 1935 and June 8, 1939).

§92. Occupational diseases and injuries; duty of persons in charge of hospitals, institutions, and dispensaries, and of physicians, to report.

It shall be the duty of the manager, superintendent, or person in charge of every hospital, institution or dispensary, in the City of New York, to report to the Department of Health, in writing, the full name, age and address of every occupant or inmate thereof or persons treated therein, affected with any one of the occupational diseases contained in the following list, specifying the name of the disease, within twenty-four hours after the time when the case is diagnosed, and it shall be the duty of every physician to make a similar report to the said Department of Health within the said period relative to any person found by such physician to be affected with any one of the said occupational diseases:

Caisson disease (Compressed-air illness).

Poisoning by—

Aniline and its derivatives.

Arsenic.

Benzol (Benzene) and its derivatives.

Brass.

Carbon bisulphide.

Carbon tetrachloride.

Illuminating gas.

Lead.

Mercury.

Methyl alcohol (Wood alcohol).

Phosphorus.

(S. C. §184; amended October 22, 1935).

§93. Group of cases of food poisoning; duty of persons in charge of hospitals, and of physicians, to report.

It shall be the duty of every physician, and of the physician, manager, superintendent or other person in charge of any hospital, dispensary, or other institution, having knowledge of the occurrence of a number or group of cases of illness, including group cases of diarrhea or sore throat, which cases appear to be due to the consumption of unwholesome, spoiled, contaminated or poisonous articles of food, to report immediately the same to the Department of Health. (Amended October 22, 1935 and June 8, 1939).

§94. Exclusion of children from school or agency giving day care to children.

(1) No principal, superintendent, master, teacher or instructor in any school, or person in charge of an agency giving day care to children, and no parent, guardian or custodian of any child or minor (having the power and

authority to prevent), shall permit any child or minor or any other person to be exposed unnecessarily to any person having a communicable disease; nor permit any child or minor having:

Chicken pox,
Diphtheria,
German measles (Rubella or Rötheln),
Measles,
Meningitis, meningococcus (epidemic cerebrospinal meningitis),
Mumps,
Poliomyelitis, anterior, acute (infantile paralysis),
Scarlet fever (scarlatina),
Smallpox,
Tuberculosis, pulmonary (if in a communicable form),
Whooping cough,

—to attend any public, private or parochial school, or any agency giving day care to children. A child or minor having recently recovered from a disease in the above list may be readmitted to school, or to an agency giving day care to children when a duly authorized representative of the Department of Health has given written permission therefor. In a case of tuberculosis, a physician may make the examination, including an X-ray, and if the report is acceptable to the Department of Health, permission for readmission will be granted; otherwise the examination, including X-ray, shall be made at a place designated by the Department of Health.

(2) No child or minor in any family or living with any family, in which any of the following diseases exist or have recently existed, shall be permitted to attend any public, private or parochial school or any agency giving day care to children until a duly authorized representative of the Department of Health has given permission therefor:

Diphtheria.
Measles.
Meningitis, meningococcus (epidemic cerebrospinal meningitis).
Poliomyelitis, anterior, acute (infantile paralysis).
Scarlet fever (scarlatina).
Smallpox.
Tuberculosis, pulmonary (if in a communicable form).

(S. C., §145; amended October 22, 1935 and July 11, 1939).

§95. Exclusion of teachers, instructors and others affected with certain communicable diseases.

No principal, superintendent, master, teacher, instructor, custodian, or other person suffering from any of the communicable diseases enumerated in Section 94, subdivision (1), shall be permitted to teach or work in any public, private or parochial school, or agency giving day care to children until written permission has been obtained in accordance with the provisions of said section and subdivision.

No principal, superintendent, master, teacher, instructor, custodian, or other person living with any family in which any of the communicable diseases enumerated in Section 94, subdivision (2), exist or have recently existed, shall be permitted to teach or work in any public, private or parochial school or agency giving day care to children until written permission has been obtained in accordance with the provisions of said section and subdivision. (Generally revised October 22, 1935).

§96. Isolation of persons affected with communicable diseases in institutions.

It shall be the duty of the manager, superintendent, or person in charge, of every sanitarium, agency giving day care to children, convalescent home, home for children, reformatory, training school, boarding school, hospital, dispensary, or other institution for the care or treatment of persons, in the City of New York, to provide and maintain a suitable room or rooms for the isolation and cause the immediate isolation of persons affected with or suspected of having any of the following diseases, in accordance with the regulations of the Board of Health:

Chicken pox.
Cholera (Asiatic).
Diarrhea in the new born up to three weeks of age.
Diphtheria.

Diphtheria carrier-virulent.

German measles (rubella or rötheln).

Impetigo contagiosa neonatorum occurring in a hospital giving maternity service.

Measles.

Mumps.

Plague, bubonic.

Scarlet fever (scarlatina).

Smallpox.

Whooping cough.

(S. C. §140; amended October 22, 1935, December 8, 1936 and June 8, 1939).

§97. Removal of persons affected with any communicable disease or carrier of communicable disease germs authorized.

Whenever a duly authorized physician of the Department of Health shall report in writing that any person is affected with any communicable disease or is a carrier of communicable disease germs, under such circumstances that the continuance of such person in the place where he or she may be, is or is likely to be dangerous to the lives or health of other persons, the Commissioner, Deputy Commissioner or the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene, of the said Department, upon the report of such duly authorized physician, may cause the removal of such person to a hospital designated by the Board of Health in accordance with the regulations of said Board. (S. C., §139; amended March 7, 1933, October 22, 1935 and June 8, 1939).

§98. Conveying of persons affected with a communicable disease through public streets regulated.

No person shall in the City of New York, without permission therefore issued by the Department of Health, convey, carry, move or cause to be conveyed, carried or moved, in any manner whatsoever, through any public street or place, or from any building or vessel to any other building or vessel, or to the shore, nor shall any hospital or institution without such permission receive, any person affected with any of the following diseases, or any article which has been exposed to such diseases:

Cholera (Asiatic).

Diphtheria.

Diphtheria carrier-virulent.

Plague, bubonic.

Scarlet fever.

Smallpox.

(S. C., §143; amended October 22, 1935 and June 8, 1939).

§99. Persons having a communicable disease not to engage in manufacturing in tenement houses or multiple dwellings.

1. Unless written permission therefor shall have been obtained from the Department of Health no person affected with any communicable disease, or who is exposed to any communicable disease, shall, in any tenement house or multiple dwelling or in any part thereof engage in the manufacture, altering, repairing, or finishing of any article whatsoever, except for the sole and exclusive use of the person so engaged.

2. Whenever required by the Director of either the Bureau of Preventable Diseases, the Bureau of Tuberculosis or the Bureau of Social Hygiene of the Department of Health, any person engaged in the manufacture, altering, repairing or finishing of any article whatsoever, except for the sole and exclusive use of the person so engaged, shall submit to a physical examination and/or an X-ray by a duly authorized physician or in a clinic of the said Department.

(Amended October 22, 1935 and June 8, 1939).

§100. Acts tending to promote spread of disease prohibited.

No person shall by any exposure of any individual sick of any communicable disease, or of the body of such person, or by any negligent act connected therewith, or in respect of the care or custody thereof, or by a needless exposure of himself, cause, contribute to, or promote, the spread of disease from any such person, or from any dead body. (S. C., §143; amended October 22, 1935).

§101. Concurrent and terminal disinfection, cleansing and renovation of premises, furniture, belongings and apparatus.

Adequate terminal disinfection, cleansing and renovation of premises, furniture and belongings, deemed by the department of health to be infected by any communicable disease, shall immediately follow the recovery, death or removal of the person suffering from such disease, and such disinfection, cleansing and renovation shall be performed by the owner, lessee, tenant or occupant of said premises. In all such cases, there shall be maintained, prior to the aforesaid terminal disinfection, proper and adequate concurrent disinfection, while the person is suffering from such communicable disease.

All apparatus and equipment employed in the treatment of any case of communicable disease, must be adequately cleansed and disinfected before use in any other case.

The term "concurrent disinfection" as used herein shall be taken to mean the immediate disinfection and disposal of body discharges and the immediate disinfection or destruction of all infected or presumably infected materials.

The term "terminal disinfection" as used herein shall be taken to mean the precautions taken to destroy or remove infectious material after the removal of the patient or the termination of isolation or quarantine.

The term "cleansing" as used herein shall be taken to mean the removal of possible infectious material by scrubbing, washing and exposure to sunshine and air.

The term "renovation" as used herein shall be taken to mean such re-papering, painting, whitewashing or other alteration of premises or apartments as may be necessary to place the same in a proper and sanitary condition. (S. C. §146; generally revised October 22, 1935).

§102. Dispensaries and clinics for treatment of communicable disease; regulated.

No dispensary or clinic where communicable diseases are treated or diagnosed shall be conducted or maintained in the City of New York, otherwise than in accordance with the regulations of the board of health. (Former §102 repealed October 22, 1935; former §223 adopted June 28, 1917 renumbered §102 October 22, 1935).

§103. Duties of undertakers; conduct of funerals where death has been caused by certain communicable diseases.

It shall be the duty of every undertaker engaged for, or in charge of, the preparation and burial of the body of a person who died in the City of New York, of any of the following diseases:

Cholera (Asiatic).

Diphtheria.

Plague, bubonic.

Poliomyelitis, anterior, acute (Infantile paralysis).

Scarlet fever (Scarlatina).

Smallpox (Variola).

or of the bringing of the dead body of any person who died of any such disease into the said City, to give immediate notice thereof to the Department of Health. No undertaker shall retain or expose or assist in the retention or exposure of the dead body of any such person, and shall immediately place the body in a coffin or casket and permanently close and seal same in accordance with the regulations of the Board of Health.

The funeral services for the burial of a person who has died of one of the above mentioned diseases shall be private. It shall be unlawful to invite or permit any person to be present on the premises where the body is held, awaiting burial, and it shall be unlawful for the undertaker to permit any person to attend the funeral, of one who has died of any of the above diseases other than the members of the immediate family or household and those whose presence is necessary to conduct the funeral. It shall be the duty of the undertaker to instruct the members of the immediate family or household to comply with the provisions of this section. (S. C. §142; amended March 31, 1931 and generally revised October 22, 1935).

§104. Fumigants, exterminators and insecticides; permits, use, sale and distribution regulated.

(a) No person shall use in any building, vessel or other place in the City

of New York, a fumigant, exterminator or insecticide for the destruction or control of insects, vermin, rodents or other pests, or engage in the business of such fumigation or extermination, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of said Board. This provision, however, shall not apply to a person using an exterminator or insecticide in his own home, building or place of business, except that if the place of business is one where food is stored, prepared or held or kept for sale, no poisonous exterminator or insecticide may be kept on the premises or used by such person other than an exterminator or insecticide containing any fluoride, colored nile blue, properly labeled and packed in non-refillable containers and in the manner prescribed in subdivision (c) of this section.

The term "fumigant" shall mean and include any substance which by itself or in combination with any other substance emits or liberates a gas, fumes or vapors and which gas, fumes or vapors when liberated and used for the destruction or control of insects, vermin, rodents or other pests are lethal, poisonous, noxious or dangerous to human life.

The terms "exterminator" or "insecticide" as used herein shall mean and include any substance, not a fumigant, under whatever name known, used for the destruction or control of insects, vermin, rodents or other pests.

There shall be five types of permits, as follows:

Fumigant Permit—to conduct the business of fumigation.
 Exterminator Permit—to conduct the business of extermination.
 Employee—fumigant operator permit.
 Employee—exterminator operator permit.
 Owner—operator permit (fumigant or exterminator).

A fumigant permit entitles the holder thereof to engage in the business of fumigation and extermination; and an exterminator permit entitles the holder thereof, to engage only in the business of extermination.

No person holding an employee-fumigant operator permit shall engage in the occupation of fumigation and/or extermination, except in the course of employment on behalf of a holder of a fumigant permit, except that he may engage in the occupation of extermination only on behalf of a holder of an exterminator permit. No person holding an employee-exterminator operator permit shall engage in the occupation of extermination, except in the course of employment on behalf of a holder of a fumigant permit or an exterminator permit.

(b) No person shall sell or give away or distribute in the City of New York any poisonous substance as an exterminator or insecticide unless the container bears a label legibly and conspicuously printed with the word "POISON" and the symbol of the skull and crossbones in red ink followed with the words "CAUTION—This exterminator or insecticide contains (state the name of the poison), a deadly poison," together with the antidote therefor and the name and address of the manufacturer or packer, and the words "poison," "caution" and "antidote" in block type of a larger size than the other wording, viz:—

"POISON

Symbol
 { Skull and Crossbones }

CAUTION

This exterminator or insecticide contains
 (insert name of poison), a deadly poison.

ANTIDOTE—(state briefly)
 Manufactured (or packed) by

Name
 Address"

(c) No person shall use, sprinkle or allow to remain sprinkled in a food establishment any poisonous exterminator or insecticide. However, an exterminator or insecticide containing wholly or in part any fluoride, colored nile blue, may be used and sprinkled on the floors of the food establishment, and on the walls or other parts thereof provided said exterminator or insecticide is not placed in refrigerators, on shelves or other places where it can come in contact with exposed foods.

(d) No fluoride shall be used as an exterminator or insecticide unless said fluoride is distinctively colored nile blue, as designated by Ridgway's Color Standards and Nomenclature, and when such fluoride is sold in powdered form

at retail as an exterminator or insecticide in quantities of five pounds or less, the same shall be packed in non-refillable containers.

(e) No person shall prepare or manufacture, sell, offer for sale, give away, deal in, supply, or use, or have in his or her possession with intent to sell, offer for sale, give away, deal in, supply, or use an exterminator or insecticide which contains living bacterial organisms or any culture or preparation thereof.

(f) No person shall use in fumigation, nor sell, offer for sale, give away or supply, for use in connection with fumigation, any gas mask and/or canister therefor, unless such gas mask and canister are of a type approved by the United States Bureau of Mines, and bear the stamp of approval of said Bureau. No person shall refill any canister for use in connection with fumigation after said canister has been exhausted nor use a refilled canister in fumigation. Provided, that this provision in so far as it relates to approved canisters shall not apply if there are no canisters approved by the Bureau of Mines for the gas to be used.

(Adopted April 25, 1916, amended December 1, 1931 and May 11, 1937).

§105. Clinical laboratories regulated.

No person shall conduct, maintain or operate a clinical laboratory without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the said permit and regulations of the said Board.

Clinical Laboratory defined—The term "clinical laboratory" as used herein shall be deemed to mean any laboratory in which bacteriological, biochemical, chemical, histological, pathological, physiological or serological tests, examinations or analyses are performed and which contribute in any way as a help in the diagnosis, prophylaxis or treatment of disease.

The provisions of this Section shall not apply to a physician or group of physicians duly licensed under the Laws of the State of New York who conduct a laboratory for their own exclusive use in their practice of medicine, but such laboratory shall be conducted in accordance with the regulations of the Board of Health. (Effective August 1, 1935.) (Adopted June 28, 1917, amended June 21, 1927, June 11, 1929, December 6, 1932, and July 10, 1935).

§106. (Repealed, August 14, 1934.)

§107. X-Ray laboratories; permit required.

No person shall maintain, operate or conduct an X-ray laboratory or advertise or hold out to the public that an X-ray laboratory is maintained, operated or conducted, wherein radiographs are taken, diagnoses made or human beings examined or treated by X-rays, without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the Regulations of the said Board. (Adopted January 26, 1922).

§108. Blood donors regulated; blood donors, professional and voluntary blood donors defined; registration of professional blood donors; blood banks regulated.

No person shall act as and no physician, hospital or institution shall use, a blood donor, either professional or voluntary, in the City of New York otherwise than in accordance with the regulations of the Board of Health, and no person shall act as a professional blood donor in said city without a certificate of registration issued by the Department of Health.

No blood bank shall be maintained or operated in the City of New York other than in hospitals in which there is a clinical laboratory under permit of the Board of Health for bacteriology, blood typing and serology, or otherwise than in accordance with the regulations of the Board of Health.

"Blood donor" defined. The term "blood donor" as used herein shall be taken to mean and include any person who holds himself out as willing to dispose of his blood, or who offers his blood, or whose blood is used for transfusion purposes either by direct introduction or by storage and subsequent introduction into the blood-vascular system of any other person.

"Professional blood donor" defined. The term "professional blood donor" as used herein shall be taken to mean and include a blood donor who offers or gives his blood for a fee.

"Voluntary blood donor" defined. The term "voluntary blood donor" as used herein shall be taken to mean and include a blood donor who offers or gives his blood gratuitously or without a fee.

"Blood banks" defined. The term "blood bank" as used herein shall be taken to mean and include any system of storage of human blood for subsequent use for transfusion purposes.

This section as amended shall take effect immediately, and any person herefore registered as a blood donor and until the expiration of his certificate of registration shall be deemed a professional blood donor. (*Adopted November 21, 1930 and amended March 14, 1939*).

§109. Blood donor agency.

No person shall conduct, maintain or operate a blood donor agency in the City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the said permit and the regulations of the said Board.

Blood Donor Agency defined.—As used herein the term "blood donor agency" shall be taken to mean and include any office, registry, place or establishment which employs, engages or supplies or advertises or holds out to employ, engage or supply any person or persons whose blood is or may be used for transfusion purposes. (*Adopted November 21, 1930*).

§110. Lying-in Institutions and New-Born Nurseries regulated.

No person, organization or corporation shall conduct, maintain or operate a lying-in institution or a new-born nursery otherwise than in accordance with the regulations of the Board of Health.

Lying-in Institutions and New-Born Nurseries defined. The term lying-in institution as used herein shall be deemed to mean any hospital, institution or place, excepting private homes, in which pregnant women are cared for and delivered of babies. The term new-born nurseries as used herein shall be deemed to mean any room, rooms or ward in such hospitals, institutions, or places, excepting private homes, in which new-born babies are cared for or treated. (*Adopted December 14, 1937*).

§111. Sale or use of lead nipple shields prohibited.

No person shall use or have, keep, sell or offer for sale in the City of New York, any metal or foil breast nipple shield made of or containing lead. (*Adopted June 8, 1939*).

ARTICLE 8

DRUGS, MEDICINES AND COSMETICS.

Section 116. Drugs; manufacture and sale regulated; the term "drugs", "adulterated", and "misbranded" defined.

117. Regulating the sale of proprietary and patent medicines.

118. Drugs, medicines, decoctions, and drinks; fraudulent representation prohibited.

118a. Sale of contaminated drugs, toilet articles, etc., prohibited.

119. Proprietary medicines; distributions of samples regulated.

119a. Sale of drugs or medicines in public streets prohibited.

120. The use of living and other micro-bacterial organisms.

121. Free distribution of vaccine, antitoxin, serum and cultures regulated.

122. Poison; sale and distribution regulated.

123. Carbolic acid; sale regulated.

124. Wood naphtha, otherwise known as wood alcohol or methyl alcohol; sale and distribution regulated.

125. Bichloride of mercury; sale regulated.

126. Sale of barbital or any other hypnotic or somnifacient drug regulated.

126a. Sale of harmful drugs regulated.

127. Sale of valerian or valerenate, etc., regulated; permit

128. Hair dyes and other toilet preparations containing an aniline derivative, or an amine, metallic or other injurious or poisonous ingredients; sale, distribution and use regulated.

129. Condemnation and destruction of drugs, medicines, toilet preparations, etc., animal hairs, skins, etc., and articles made from animal hairs, etc., authorized.

130. Medicated alcohol; sale and distribution regulated.
131. Completely denatured alcohol; sale and distribution regulated.
132. Hypodermic syringe.

§116. Drugs; manufacture and sale regulated; the terms "drugs", "adulterated", and "misbranded" defined.

No person shall manufacture or produce, or have, sell or offer for sale, in the city of New York, any drug which is adulterated or misbranded. The term drug as herein used shall include all medicines for external or internal use, or both. Drugs as herein defined shall be deemed adulterated:

(1) If, when sold by or under a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality, or purity, as stated in the United States Pharmacopoeia or National Formulary at the time of investigation.

(2) If its strength or purity falls below or its strength is in excess of the professed standard under which it is sold.

A drug shall be deemed misbranded:

(a) If it is an imitation or offered for sale under the distinctive name of another article.

(b) If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fails to bear a statement, on the label thereof, of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, contained therein.

(c) If the package or label bear or contain any statement, design, or device, regarding the drug or its ingredients, or regarding its or their action on diseased conditions, which statement, design, or device shall be false or misleading in any particular.

(d) If a box, bottle, or package, containing virus, therapeutic serum, toxin, anti-toxic or analogous product, fails to bear on the outside thereof, conspicuously, clearly, and legibly set forth, in English, the proper name of the substance therein contained, the name and address of the person, persons, firm, or corporation by whom or by which the said substance has been prepared, the date beyond which the said substance cannot be reasonably expected to produce the result or results for which it has been prepared, and (if such license shall have been obtained) the United States license number of the establishment in which the said substance has been prepared; and, in the case of diphtheria and tetanus antitoxin, if the box, bottle, or package containing such antitoxin shall fail to bear on the outside thereof conspicuously, clearly, and legibly set forth, in English, the value of the contents thereof as an antitoxin, which value shall be measured according to and stated in the terms of some generally recognized standard.

(S.C., §69; amended October 26, 1915, February 25, 1920, and December 29, 1920).

§117. Regulating the sale of proprietary and patent medicines.

It shall be the duty of every manufacturer or proprietor of proprietary or patent medicines manufactured, prepared, or intended for external or internal human use, before offering any such medicine for sale in the city of New York, to register the same with, and procure a certificate of registration from the department of health in accordance with the regulations of the Board of Health.

On and after April 1, 1921, no proprietary or patent medicine manufactured, prepared or intended for internal or external human use, shall be held, offered for sale, sold, or given away, in the city of New York, unless such medicine shall have been registered with the Department of Health in accordance with the regulations of the Board of Health, nor shall any such medicine be held, offered for sale, sold, or given away, in said city, contrary to the regulations of the Board of Health.

The expression "proprietary or patent medicine," for the purposes of this section, shall be taken to mean and include every medicine or medicinal compound, manufactured, prepared, or intended for external or internal human use, the name, composition, or definition of which is not to be found in the United States Pharmacopoeia or National Formulary, or which does not bear the names of all of the ingredients to which the therapeutic effects claimed are attributed and the names of all other ingredients except such as are physiologically inactive, conspicuously, clearly, and legibly set forth in English, on the outside of each

bottle, box, or package in which the said medicine or medicinal compound is held, offered for sale, sold, or given away.

The provisions of this section shall not, however, apply to any medicine or medicinal compound, prepared or compounded upon the written prescription of a duly licensed physician, provided that such prescription to be written or issued for a specific person and not for general use, and that such medicine or medicinal compound be sold or given away to or for the use of the person for which it shall have been prescribed and prepared or compounded; and provided, also, that the said prescription shall have been filed at the establishment or place where such medicine or medicinal compound is sold or given away, in chronological order according to the date of the receipt of such prescription at such establishment or place.

Every such prescription shall remain so filed for a period of five years.

All information relating to or connected with the registration of any patent or proprietary medicine, registered in accordance with the provisions of this section, shall be regarded as confidential, and shall not be open to inspection by the public or any person other than the official custodian of such records, and those duly authorized to prosecute or enforce the Federal Statutes, the Laws of the State of New York, both criminal and civil, and the Ordinances of the City of New York, but only for the purpose of such prosecution or enforcement.

Provided, however, the provisions of this section relating to registration shall not apply to stores of merchandise in the hands of druggists or other dealers on February 25, 1919, nor to proprietary or patent medicines registered in the Department of Health in accordance with the provisions of Section 117 of the Sanitary Code as adopted by the Board of Health on December 31, 1914, and as amended by said Board on October 26, 1915, and further amended by said Board on February 25, 1919.

This section shall take effect January 3, 1921. (Amended December 29, 1920).

§118. Drugs, medicines, decoctions, and drinks; fraudulent representation prohibited.

No person shall make, prepare, put up, administer, or dispense any prescription, decoction, or medicine, under any false or misleading name, direction, or pretense; nor shall any ingredient be substituted for another in any prescription, or shall any false or misleading representation be made by any person to any other, as to the kind, quality, purpose, or effect of any drug, medicine, decoction, drink, or other substance, offered or intended to be taken as food or medicine. (S. C., §65).

§118a. Sale of contaminated drugs, toilet articles, etc., prohibited.

No person shall bring into the City of New York, or have, keep, sell, or offer for sale in the City of New York, any drug, or medicine, or any surgical bandage, adhesive, gauze, cotton or similar sundries, or any device for prevention of disease, or any cosmetic or toilet preparation, which is contaminated, unsound, ineffective, defective or in a condition unfit for human use, internally or externally, or any virus, therapeutic serum, toxin, antitoxic or analogous product, after the expiration date fixed and stated on the outside of the box, bottle or package containing such a substance by the person who prepared the substance. (Adopted September 10, 1931 and amended March 14, 1939).

§119. Proprietary medicines; distributions of samples regulated.

No person shall, in the city of New York, distribute, free of charge, or throw away any nostrum, proprietary medicine, or other substance of an alleged medicinal or curative character, intended for internal human use, in any street or public place, or from door to door, or by depositing the same upon private premises.

The provisions of this section shall not, however, apply to the distribution by manufacturers or wholesale dealers of samples of any such substance to physicians or to the trade.

§119a. Sale of drugs or medicines in public streets prohibited.

No person shall, on any public street, highway or park in the City of New York, peddle, hawk, or offer for sale or sell, any drug or medicine or any article which is represented as having a therapeutic effect if taken internally.

This section shall take effect July 1, 1932.

(Adopted June 14, 1932).

§120. Living bacterial and other micro-organisms.

The use of living bacterial organisms in the inoculation of human beings for the prevention or treatment of disease and the sale or distribution of any preparation containing living micro-organisms capable of causing infection in man or animals are prohibited until full and complete data regarding the method of use, including a specimen of the culture and other agents employed therewith, and a full account of the details of preparation, dosage, and administration shall have been submitted to the board of health of the city of New York, and permission shall have been granted in writing by the said board for such use, sale, or distribution. (S. C., §148a; *amended December 21, 1915*).

§121. Free distribution of vaccine, antitoxin, serum and cultures regulated.

Any duly licensed physician who shall find it necessary to administer any antitoxin, serum, culture or any vaccine other than smallpox vaccine virus, to a patient too poor, or dependent upon another or others too poor to pay for such vaccine, antitoxin, serum, or culture, may receive, free of charge, the requisite quantity thereof upon application to the Department of Health or any of its duly authorized agents, provided that such physician shall sign a stipulation to the effect that he or she, as the case may be, will not exact or receive from such patient any pay for such vaccine, antitoxin, serum or culture.

Any such physician, however, who shall exact or receive such pay after having signed such stipulation shall be deemed to have violated the provisions of this section.

Every such stipulation shall be filed in the Department of Health. (Amended February 9, 1937).

§122. Poison; sale and distribution regulated.

No person shall sell at retail or give away any poison unless the bottle, box, package, parcel, or receptacle, containing such poison, sold or given away, shall bear a label upon which shall be conspicuously printed or stenciled in red ink, in plain legible characters, the name of the substance or article, the word "POISON," the name and place of business of the seller, or donor, a skull and crossbones, the word "CAUTION," the maximum dose of the poison, and the antidote therefor.

The provisions of this section shall not apply to medicinal compounds containing poisonous drugs in therapeutic doses when the maximum dose of such preparation is marked upon the container. (S. C., §66; *amended May 3, 1922*).

§123. Carbolic acid; sale regulated.

No phenol, commonly known as carbolic acid, shall be sold at retail by any person in the city of New York, except upon the written prescription of a duly licensed physician, when in a stronger solution than 5 per cent. (S. C., §67).

§124. Wood naphtha, otherwise known as wood alcohol or methyl alcohol; sale and distribution regulated.

No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, any article of food or drink or any medicinal or toilet preparation, intended for human use internally or externally, which contains any wood naphtha, otherwise known as wood alcohol or methyl alcohol, either crude or refined, whatever may be the name or trade mark under or by which the said wood naphtha shall be called or known.

No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, any wood naphtha, otherwise known as wood alcohol, or methyl alcohol, either crude or refined, whatever may be the name or trade mark under or by which the said wood naphtha shall be called or known, unless the container in which the same is sold, offered for sale, given away, dealt in, or supplied, shall bear a notice containing the following device and words conspicuously printed or stenciled thereon, viz.:

(Skull and crossbones represented).

POISON

WOOD NAPHTHA OR WOOD ALCOHOL

WARNING—It is unlawful to use this fluid in any article of good, beverage, or medicinal or toilet preparation, intended for internal or external human use. (S. C. §66a).

§125. Bichloride of mercury; sale regulated.

No person shall sell or offer for sale, at retail, bichloride of mercury, otherwise known as corrosive sublimate, in the dry form, except upon the written prescription of a duly licensed physician or veterinary surgeon, and, then only in tablets of a particularly distinctive form and color, labeled "POISON" upon each tablet, and dispensed in sealed glass containers conspicuously labeled with the word "POISON" in red letters, and stating the bichloride of mercury content of each tablet, provided, however, that bichloride of mercury may be put up in one grain tablet triturate form for professional use by physicians only, without the use of the word "POISON" on each such tablet, but in the sale of same at retail all of the other requirements above set forth shall be complied with.

This section shall not apply to any preparation containing one-tenth of a grain or less of bichloride of mercury. (S. C. §67a; amended November 12, 1929).

§126. Sale of barbital or any other hypnotic or somnifacient drug regulated.

1. No barbital or any other hypnotic or somnifacient drug as defined herein shall be sold at retail or dispensed to any person in the City of New York, except upon the written prescription of a duly licensed physician, dentist, or veterinarian, and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist or veterinarian prescribing it, and the directions for the use of the drug by the patient as given upon said prescription of the physician, dentist or veterinarian.

2. No manufacturer, pharmacist, jobber or other dealer in drugs shall sell or have in his possession barbital or any other hypnotic or somnifacient drug, unless the container bears a label securely attached thereto stating conspicuously in printed words the specific name of the barbital or other hypnotic or somnifacient drug and the proportion or amount thereof. Such label shall not be necessary when such a drug is dispensed by a pharmacist upon a prescription and the container is labeled in the manner described in subdivision 1 herein.

3. For the purposes of this section the term "barbital" shall be held to mean and include, the salts of barbituric acid, also known as Malonylurea, or any derivative or compounds or any preparations or mixtures thereof and the term "Other Hypnotic or Somnifacient Drug" shall be held to mean and include, Sulphonethymethane (Trional) or Sulphonmethane (Sulphon) or Diethyl-sulphon Diethylmethane (Tetronal), or Paraldehyde or any derivatives or compounds or any preparations or mixtures thereof and Chloral or Chloral Hydrate or Chlorbutanol or any compounds or mixtures thereof when such Chloral or Chloral Hydrate or Chlorbutanol or compounds or mixtures thereof is to be used internally.

The provisions of this section shall apply to any of the above mentioned drugs whatever may be the name under or by which the same may be called or known.

(S. C. §182; former §126 annulled July 25, 1921; new §126 adopted October 11, 1922, amended September 10, 1931).

§126a. Sale of harmful drugs regulated.

1. No harmful drug as defined herein shall be sold at retail or dispensed to any person in the City of New York, except upon the written prescription of a duly licensed physician, dentist or veterinarian, and no pharmacist shall dispense any such drug without affixing to the container in which the drug is sold or dispensed, a label bearing the name and address of the pharmacist, the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files, together with the name of the physician, dentist or veterinarian prescribing it, and the directions for the use of the drug by the patient as given upon said prescription of the physician, dentist or veterinarian.

2. No manufacturer, pharmacist, jobber or other dealer in drugs shall sell or have in his possession a harmful drug, unless the container bears a label securely attached thereto, stating conspicuously in printed words the specific name of the harmful drug and the proportion or amount thereof. Such label shall not be necessary when such drug is dispensed by a pharmacist upon a

prescription and the container is labeled in the manner described in subdivision 1 hereof.

3. For the purpose of this section the term "harmful drug" shall mean and include the following drugs, compounds, preparations or mixtures thereof:

Dinitrophenol, Para-amino Benzene Sulfonamide (Sulfanilamide), Thyroid, Acidum Phenylcinchoninicum (Cinchophen), Indian Hemp in leaf form, Oil of Savin, Oil of Tansy, Oil of Pennyroyal, Oil of Croton, solid extracts and fluid extracts of Ergot and Cotton root except when for external use in combination with other ingredients, Antimonii et Potassi Tartras (Tartar Emetic) in excess of one-half ($\frac{1}{2}$) grain per dose, Atropine for internal use in excess of one-hundredth (1/100) of a grain per dose, Prussic Acid in excess of one-half ($\frac{1}{2}$) minim of dilute Prussic Acid per dose, and Amidopyrine in excess of two (2) grains per dose.

4. The provisions of this Section shall apply to any of the above mentioned drugs whatever may be the name under and by which the same may be called or known.

(Adopted January 8, 1935, amended July 30, 1935 and November 9, 1937).

§127. Sale of valerian or valerianate, etc., regulated; permit.

(a) No person other than a duly licensed physician, veterinarian or pharmacist shall bring into the City of New York, or manufacture, use or have in his possession in the said City any valerian or valerianate or any of its derivatives, preparations or compounds or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any of its derivatives, preparations or compounds, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of the Board of Health. The provisions of this section shall not apply to a person who has received same as a drug in the original container for medicinal purposes upon a written prescription from a duly licensed physician as hereinafter provided.

Except as herein otherwise provided for pharmacists, every person who manufactures, uses or sells or gives away any valerian or valerianate or any of its derivatives, preparations or compounds or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any of its derivatives, preparations or compounds shall cause the container to be labeled with the specific name of the drug or chemical and the quantity or proportion or amount contained therein, and shall keep a complete itemized written record of the quantity manufactured or received and the quantity sold, used or dispensed for any purpose whatsoever. Such written record shall state the date of manufacture or receipt, the quantity thereof, the name of the person or firm from whom received and when sold, used or dispensed, the date and quantity sold, used or dispensed, together with the name and address of the purchaser.

No sale shall be made except upon a written order signed either by a duly licensed physician, veterinarian or pharmacist or by a person holding a permit as herein provided, and said written order shall state the drug or chemical and the quantity ordered, together with the name and address of the purchaser, and date of said order. All the records herein referred to shall be kept for a period of two years.

(b) No person shall, in the City of New York, sell or offer for sale at retail, or give away any valerian or valerianate or any compounds or derivatives thereof or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof, in any form except upon a written prescription of a duly licensed physician or veterinarian, which prescription shall, in addition to the directions and the quantity prescribed, state clearly and legibly the name and address of the patient. Such prescription shall be consecutively numbered and kept on file by the pharmacist for a period of five (5) years, and no copy or duplicate of such prescription shall be made or given away. The label on the container in which the said drug is sold or dispensed shall, in addition to other information, bear the name and address of the pharmacist, the date compounded and the consecutive number of the prescription under which it is recorded in his prescription files.

Every pharmacist shall keep a separate itemized record of the date and quantity of all valerian or valerianate or any compounds or derivatives thereof or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof received and dispensed by him, except when the same is contained in a proprietary or

patent medicine where the label attached to the container states the specific name of the drug or chemical and the quantity or proportion or amount contained therein.

(c) No person other than one holding a fumigant permit from the Board of Health shall, in the City of New York, engage in the business of deodorizing or neutralizing the odors, vapors, gases or fumes from valerian or valerianate, or any compounds or derivatives thereof, or any synthetic substance having a similar, characteristic, strong, obnoxious odor of valerian or valerianate or any compounds or derivatives thereof.

(d) The provisions of this section shall apply to any of the drugs or chemicals referred to herein whatever may be the name under or by which the same may be called or known, and all records required to be kept pursuant to this section shall be open to inspection by inspectors and representatives of the Health and Police Departments of the City of New York.

(Former §127 adopted August 24, 1915, annulled July 25, 1921; new §127 adopted July 25, 1933).

§128. Hair dyes and other toilet preparations containing an aniline derivative, or an amine, metallic or other injurious or poisonous ingredients; sale, distribution and use regulated.

No person shall sell, offer for sale, give away, deal in, or supply, or apply in the conduct of a beauty shop, barber shop, hair dyeing establishment or similar establishment or have in his or her possession with intent to sell, offer for sale, give away, deal in or supply, or apply in the conduct of a beauty shop, barber shop, hair dyeing or similar establishment any hair dye intended for human use which contains an aniline derivative or an amine or any hair dye, cosmetic or other toilet preparation which contains any metallic salt or compound as defined in the regulations pertaining hereto or any other injurious or poisonous ingredient, in a manner otherwise than in accordance with the regulations of the Board of Health.

The term "aniline derivative or an amine" as used herein shall mean and include phenylene diamine, toluylene diamine, amino-phenol, or any other amine, diamine, or polyamine of the benzene, naphthalene or anthracene series, or any compound or derivative thereof. (Adopted December 21, 1915; amended November 9, 1926, March 31, 1931, and December 29, 1931).

§129. Condemnation and destruction of drugs, medicines, toilet preparations, etc., animal hairs, skins, etc., and articles made from animal hairs, etc., authorized.

Upon any drug, medicine, hair dye, cosmetic or toilet preparation or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, being found by an inspector or other duly authorized representative of this Department of Health in a contaminated or unsound condition or in a condition which renders it, in his opinion, unfit for human use, externally or internally, or in a condition or of a weight, quality, or strength, forbidden by the provisions of the Sanitary Code, such inspector or duly authorized representative of the said Department is hereby empowered and directed to immediately seize the said drug, medicine, hair dye, cosmetic or toilet preparation or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, and affix thereto a label bearing the words. "Seized by the Board of Health." Such drug, medicine, hair dye, cosmetic or toilet preparation or animal hair, animal skin, or animal hide, or articles made from animal hairs, furs, animal skins or hides, when so labelled shall not be touched, disturbed, sold, offered for sale, or given away, but shall be released, destroyed, or otherwise finally disposed of, as the Board of Health, through the Commissioner or Director of Foods and Drugs or Chief of the Division of Drug Inspection, shall direct. (Adopted December 28, 1916, and amended October 23, 1923, and September 10, 1931).

§130. Medicated alcohol; sale and distribution regulated.

No person shall sell, offer for sale, give away, deal in, or supply, any article of food, drug, drink or medicine, intended for internal human use, which contains any medicated alcohol, whatever may be the name or trade mark under or by which the said medicated alcohol shall be called or known.

No person shall sell, offer for sale, give away, deal in, or supply, or have

in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, at retail, any medicated alcohol, whatever may be the name or trade mark under or by which the said medicated alcohol shall be called or known, unless the container in which the same is sold, offered for sale, given away, dealt in, or supplied, shall bear a notice containing the following device and words conspicuously printed or stenciled thereon, viz.:



POISON
MEDICATED ALCOHOL

WARNING.—It is unlawful to use this fluid in any article of food, drug, drink or medicine, intended for internal human use.

The term "medicated alcohol" as herein used, shall be taken to mean and include ethyl alcohol to which has been added some poisonous material and which is sold at retail as medicated alcohol. (*Adopted September 30, 1920, amended April 28, 1921.*)

§131. Completely denatured alcohol; sale and distribution regulated.

No person shall sell, offer for sale, give away, deal in, or supply, any article of food, drug, drink, or medicine, intended for external or internal human use, which contains any completely denatured alcohol, whatever may be the name or trade mark under or by which the said completely denatured alcohol shall be called or known.

No person shall sell, offer for sale, give away, deal in, or supply, or have in his or her possession with intent to sell, offer for sale, give away, deal in, or supply, at retail, any completely denatured alcohol, whatever may be the name or trade mark under or by which the said completely denatured alcohol shall be called or known unless the container in which the same is sold, offered for sale, given away, dealt in, or supplied, shall bear a notice containing the following device and words conspicuously printed or stenciled thereon, viz.:



POISON
COMPLETELY DENATURED ALCOHOL

WARNING.—It is unlawful to use this fluid in any article of food, drug, drink, or medicine, intended for external or internal human use.

The term "completely denatured alcohol," as herein used, shall be taken to mean and include ethyl alcohol to which has been added some poisonous material, and which is sold at retail as completely denatured alcohol. (*Adopted September 30, 1920, amended April 28, 1921.*)

§132. Hypodermic syringe.

No person except a dealer in surgical instruments, apothecary, physician, dentist, veterinarian or nurse, attendant or interne of a hospital, sanatorium or institution in which persons are treated for disability or disease shall at any time have or possess a hypodermic syringe or needle or any instrument or implement adapted for the use of cocaine or narcotic drugs by subcutaneous injections and which is possessed for that purpose unless such possession be authorized by the certificate of a physician issued within the period of one year prior thereto. (*Adopted as §133, Article 8A, July 25, 1921; renumbered §135 August 1, 1921 and renumbered §132 of Article 8, June 13, 1939.*)

ARTICLE 8-A*

HABIT-FORMING DRUGS

Section 132. Prohibited acts constituting a public menace.
 133. Prohibited acts.
 134. Authorized acts of trades and professions.
 135. Hypodermic syringe.
 135-a. Exemptions.
 135-b. Commitment of addicts; procedure; treatment; discharge.
 135-c. Fraud, deceit, et cetera.
 135-d. Penalties.

ARTICLE 9

FOOD AND DRINK

Section 136. Inspection of food and other substances authorized.
 137. Condemnation and destruction of animals and food authorized.
 138. Possession of food or drugs, *prima facie*, deemed to be held for sale.
 139. Food; sale of adulterated or misbranded prohibited; the terms "food", "adulterated", and "misbranded" defined.
 139-a. Sausage or sausage meat; sale of adulterated or misbranded prohibited; the terms "sausage" or "sausage meat," "adulterated" or "misbranded" defined.
 139-b. Non-alcoholic carbonated drink or beverage; sale of adulterated or misbranded prohibited; the term "non-alcoholic," "adulterated," and "misbranded" defined.
 139-d. Almond paste; kernel paste; sale of adulterated or misbranded prohibited; the terms "almond paste," "kernel paste," "adulterated" or "misbranded" defined.
 140. Food and drink; not to be sold under a false name or quality.
 140-a. Adulterated meats; distribution prohibited; terms "adulterated," "water added," defined; pumping devices on vehicles prohibited.
 141. Poisonous, deleterious and unwholesome substances; use as food prohibited.
 141-a. Bleached flour to be conspicuously marked or labeled.
 142. Food; to be protected from dust, dirt, flies, or other contamination.
 143. Eating and drinking utensils; use in common prohibited; the term "public place" and "factory" defined.
 144. Cooking, eating and drinking utensils to be properly cleaned after being used; the term "properly cleansed" defined; protection of cooking utensils, etc., from dirt, dust, flies, etc.; exception.
 145. Prohibited metals in taps, faucets, tanks, fountains, vessels, etc., when used for drinks, beverages and foods.
 146. Employment of persons affected with a communicable disease prohibited; medical certificate required where milk is produced, pasteurized, etc.
 147. Room, factory, stall, place, and appurtenances to be kept in a cleanly and wholesome condition; food, drugs and drink to be clean and wholesome, and not poisoned, infected, or rendered unsafe; personal responsibility of owner, lessee, occupant, or person in charge.
 148. Manufacture and storage of food and drink regulated.
 148-a. Syrup; manufacture and sale regulated.
 149. Conduct and maintenance of restaurants regulated; permit required.
 150. The care and sale of food and drink in stores regulated.
 150-a. Sale of fish in streets regulated; sale of shellfish in streets prohibited; exception.
 151. Unwholesome, unclean, watered or adulterated milk, skimmed

* (Article repealed except Section 135 which was renumbered Section 132 and inserted in Article 8, June 13, 1939).

milk and cream and skimmed milk, cream, butter or cheese made therefrom; possession and sale prohibited.

151-a. Butter, cheese and cream cheese, sale and manufacture regulated; eggs, sale regulated; "cream" and "cream cheese" defined; permits required; exception.

151-c. Whipped butter; preparation or whipping of butter regulated; permit required.

152. Adulterated butter, milk and cream; distribution prohibited; terms "adulterated" and "butter" defined.

153. Adulterated milk, skimmed milk and cream; seizure and destruction authorized.

154. Adulterated condensed milk; distribution prohibited; the term "adulterated" defined.

155. Milk, skimmed milk, cream, ice cream mix, condensed milk, condensed skimmed milk, modified milk, buttermilk, cultured buttermilk, chocolate milk, chocolate flavored drink, cocoa milk, and cocoa flavored drink; sale regulated; permit required; exception.

155-a. Vitamin D milk and milk products defined; production and sale thereof regulated; permit required.

155-b. Homogenized milk; production, labeling and sale regulated.

156. Milk and cream, grades and designations.

157. Milk, skimmed milk and cream; must conform to grade standards.

157-a. Emergency distribution of milk.

158. Buttermilk, sour milk, sour cream, and other milk products; quality of product regulated.

159. Bottles, cans, and other receptacles for holding milk, skimmed milk and cream; use regulated and restricted.

159-a. Empty bottles, cans and other receptacles for holding milk, skimmed milk, buttermilk, cream, or ice cream, not to be contaminated with garbage and offensive materials.

159-b. Sale of loose milk prohibited; exceptions.

159-c. Sale of loose sweet cream, sour cream, buttermilk, cultured buttermilk, fermented milks, chocolate or cocoa milk, or chocolate or cocoa flavored drink, prohibited.

160. Carcasses of calves, pigs, kids or lambs; fish, birds and fowl; sale regulated.

161. Cattle; not to be killed while in an overheated, or feverish condition.

162. Meat and dead animals; sale regulated.

163. Unhealthy, unsound, unwholesome and unsafe meat, vegetables and milk, possession and sale prohibited; poultry in cans, sale restricted; terms "meat," "vegetables" defined.

164. Shellfish defined; sale regulated; permits and registration.

164-a. Taking shellfish from condemned areas, prohibited.

165. Artificial or natural mineral, spring, or other waters; manufacture regulated.

165-a. Soft drinks; sale regulated; permit required.

166. Public water supply; purity and wholesomeness protected.

167. Water; duties of persons in authority.

167-a. Water for drinking and culinary purposes on vessel.

167-b. Water boats; permit required.

168. Water from wells; the use thereof regulated and restricted.

169. Drinking hydrants; water therefrom not to be rendered unwholesome.

170. Addition of chemicals to water supply in buildings regulated; permit required.

171. Shellfish; sale of, adulterated and misbranded prohibited.

172. Sale of carcasses of certain animals and dressed birds, poultry and fowl restricted.

173. Skimmed milk (fluid); distribution regulated; written permission and permit for manufacturing purposes; pasteurization; exception.

175. Frozen desserts; definitions; manufacture and sale regulated.

176. Frozen dessert and ice cream mix; adulteration or misbranding prohibited.

- 177. Frozen dessert; permits regulated.
- 178. Food gelatin; sale of adulterated or misbranded prohibited; the term "food gelatin," "adulterated" and "misbranded" defined.
- 179. Prohibiting the manufacture, sale and distribution of imitation milk and cream.
- 180. The use of unclean and unsanitary food receptacles prohibited; to be cleaned after being used.

§136. Inspection of food and other substances authorized.

Dealers in food, drugs, and all other substances used or intended to be used for human consumption, or for internal or external human use, and their agents, and all persons engaged in the transportation thereof, shall allow any duly authorized representative of the department of health to freely and fully inspect the cattle, meat, fish, vegetables, milk, and other food or drugs, as well as all other substances used or intended to be used for human consumption, or for internal or external human use, held or kept by them, or intended for sale. (S. C., §60; amended Dec. 28, 1916).

§137. Condemnation and destruction of animals and foods authorized.

Upon any cattle, sheep, swine, or other animals, fowl or other birds, meat, fish, vegetables, or milk, or other food or drink being found by any inspector or other duly authorized representative of the department of health in a condition which renders it or them, in his opinion, unfit for use as human food, or in a condition or of a weight or quality forbidden by provisions of the Sanitary Code, such inspector or other duly authorized representative of the said department is hereby empowered, and directed to immediately condemn and, when possible, denature the same and cause it or them to be destroyed or removed to the offal or garbage dock for destruction, and report his action to the said department without delay.

And the owner or person in charge thereof, when so directed by an inspector or other duly authorized representative of the said department or by an order of the sanitary superintendent, an assistant sanitary superintendent, or the director of the bureau of food and drugs of the said department shall remove or cause the same to be removed to the place designated by such inspector or other duly authorized representative, or by the order of said sanitary superintendent or such assistant sanitary superintendent, or the director of the bureau of food and drugs, and shall not sell, offer to sell, or dispose of the same for human food. And when, in the opinion of the sanitary superintendent or an assistant sanitary superintendent, or the director of the bureau of food and drugs, any such meat, fish, milk, vegetables, or other food or drink shall be unfit for human food, or any such cattle, sheep, swine, or other animals, or fowls or other birds, by reason of disease, or exposure to contagious disease, shall be unfit for human food, and in an unfit condition to remain near other animals or to be kept alive, the board of health may direct the same to be destroyed, in such manner as the said board shall designate. (S. C., §58; amended Dec. 21, 1915).

§138. Possession of food or drugs, *prima facie*, deemed to be held for sale.

Food in the possession of, or held, kept, or offered for sale by, a dealer in food shall, *prima facie*, be deemed to be held, kept, or offered for sale as human food; and drugs in the possession of, or held, kept, or offered for sale by, a dealer in drugs shall, *prima facie*, be deemed to be held, kept, or offered for sale for internal or external human use. (Amended December 28, 1916).

§139. Food; sale of adulterated or misbranded prohibited; the terms "food", "adulterated", and "misbranded" defined.

No person shall have, sell, or offer for sale in the city of New York any food which is adulterated or misbranded. The term food as herein used shall include every article of food and every beverage used by man and all confectionery.

Food as herein defined shall be deemed adulterated:

- (1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.
- (2) If any inferior or cheaper substance has been substituted wholly or in part for the article.
- (3) If any valuable constituent of the article has been wholly or in part abstracted.
- (4) If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, or any portion of any animal unfit for food,

or if it is a product of a diseased animal, or one that has died otherwise than by slaughter.

(5) If it is colored or coated or polished or powdered, whereby damage is concealed or it is made to appear better than it really is.

(6) If it contains any added poisonous ingredient, or any ingredient which may render it injurious to health; or if it contains any antiseptic or preservative not evident and not known to the purchaser or consumer.

(7) If, in the case of confectionery, it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health; or any vinous, malt, or spirituous liquor or compound, or narcotic drug.

(8) If, in the case of spirituous, fermented, and malt liquors, it contains any substance or ingredient which is not normally present in such liquors, or which may be deleterious or detrimental to health when such liquors are used as beverages.

Food shall be deemed misbranded:

(a) If it is an imitation or offered for sale under the distinctive name of another article.

(b) If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; or if the contents of the package as originally put up, shall have been removed in whole or in part and other contents shall have been placed in such package; or if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, contained therein.

(c) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly and correctly stated on the outside of the package.

(d) If the package or its label shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, the word "compound," "imitation," or "blend," as the case may be, being plainly stated on the package in which it is offered for sale; provided, that the term "blend," as herein used, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only.

And provided further, that nothing in this section shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient, to disclose their trade formulas, except in so far as the provisions of this section may require to secure freedom from adulteration or misbranding. (S. C., §68).

§139a. Sausage or sausage meat; sale of adulterated or misbranded prohibited; the terms "sausage" or "sausage meat," "adulterated" or "misbranded" defined.

No sausage or sausage meat that is adulterated or misbranded shall be brought into, or held, kept, offered for sale or sold in the City of New York. The term "sausage" or "sausage meat" as used herein shall include every product made or prepared from the finely cut, chopped or ground edible portions of cattle or swine, or both, whether in the raw, fresh, salted, pickled, cooked or smoked state, with or without the addition of salt, spices, condiments, animal fats, blood and sugar.

Sausage or sausage meat shall be deemed to be adulterated:

- (1) If it contain any cereal.
- (2) If it contain any added coloring matter.
- (3) If it contain an excess amount of water.

(4) If any diseased or decomposed or putrid or rotten animal or vegetable substance or any lungs or cows' udders enter into its composition or be found therein.

(5) If it contain any antiseptic or preservative other than salt, sugar, wood smoke, cider vinegar, wine vinegar, malt vinegar, sugar vinegar, glucose vinegar, pure spices, saltpeter, or nitrate of soda.

Sausage or sausage meat shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser. (*Adopted Feb. 8, 1923*).

§139b. Non-alcoholic carbonated drink or beverage; sale of adulterated or misbranded prohibited; the term "non-alcoholic," "adulterated," and "misbranded" defined.

No person shall sell or offer for sale, deal in or supply or have or possess, with intent to sell, offer for sale, deal in or supply, any non-alcoholic carbonated drink or beverage which is adulterated or misbranded, or otherwise than in accordance with the regulations of the Board of Health.

The term "non-alcoholic carbonated drink or beverage" as herein used shall be taken to mean and include all carbonated beverages flavored or unflavored, and all non-alcoholic carbonated drinks or beverages of any kind or character excepting artificial or natural mineral, spring, or other waters, for drinking purposes, or still, or carbonated table or medicinal water, and beverages made in imitation of beer or similar drinks.

The provisions of this section shall not prohibit the use of any harmless ingredient in the manufacture of non-alcoholic carbonated drinks or beverages.

Non-alcoholic carbonated drink or beverage as herein defined shall be deemed to be adulterated:

(1) If when sweetened it contain less than 7% by weight of sugar (sucrose) in the finished product, except dry ginger ale which shall contain not less than 5% of sugar (sucrose).

(2) If it contain more than 0.004% by weight of saccharin or other synthetic sweetening agent in the finished product.

(3) If it contain any boric acid or borate, silicylic acid or salicylate, formaldehyde, hydrofluoric acid or fluoride, fluoborate, fluosilicate, or other fluorine compounds or other prohibited food preservatives, or any substance deleterious or injurious to health.

(4) If it contain any uncertified coal tar color.

(5) If it contain any added saponin.

(6) If it consist in part of diseased or decomposed or putrid or rotten animal or vegetable substance, or of any portion of any vegetable unfit for human food.

Non-alcoholic carbonated drink or beverage as herein defined shall be deemed misbranded:

(a) If it be labeled or misbranded so as to deceive or mislead the purchaser or consumer, or purport to be a foreign product when it is not.

(b) If the presence of saccharin or other synthetic sweetening agent is not declared in clear, legible type on the label attached to the bottle or container or cap.

(c) If in package form and the contents are stated in terms of weight or measure, such weight or measure be not plainly and correctly stated on the outside of the package.

(d) If the container, package, label, display sign, or any advertising matter shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular. (*Adopted July 17, 1923, and amended November 21, 1923, and July 30, 1925*).

§139d. Almond paste; kernel paste; sale of adulterated or misbranded prohibited; the terms "almond paste," "kernel paste," "adulterated" or "misbranded" defined.

No almond paste or kernel paste which is adulterated or misbranded shall be held, kept, offered for sale or sold as food in the City of New York, nor shall any such almond paste or kernel paste be kept or stored anywhere in the said City.

The term "almond paste" as used herein shall be deemed to mean and include only the plastic product consisting of blanched and ground almonds, cooked to a proper consistency with the addition of sugar (sucrose) and which shall contain not more than forty (40%) per cent of total sugars.

The term "kernel paste" as used herein shall be deemed to mean and include

only the plastic product consisting of the blanched and ground kernels of apricots, peaches or plums (prunes) freed from hydrocyanic acid and cooked to a proper consistency with the addition of sugar (sucrose) and which shall contain not more than forty (40%) per cent of total sugars.

Almond paste or kernel paste shall be deemed to be adulterated:

1. If more than forty (40%) per cent of total sugars be contained therein.

2. If any added antiseptic or preservative be found therein.

3. If any diseased or decomposed or putrid or rotten animal or vegetable matter or substance or any portion of any animal or vegetable unfit for human food enter into its composition or be found therein.

4. If any substance has been added, mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Almond paste or kernel paste shall be deemed to be misbranded if it be labeled or branded so as to deceive or mislead the purchaser or consumer regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular. (*Adopted July 30, 1925*).

§140. Food and drink; not to be sold under a false name or quality.

No meat, fish, fruit, vegetables, eggs, milk, or other food or drink shall be sold, held, or offered for sale, under a false name or quality, nor shall any food or drink which is not wholesome, sound, and safe for human consumption, be represented as being wholesome, sound, or safe for human consumption. (S. C., §48).

§140a. Adulterated meats; distribution prohibited; terms "adulterated," "water added," defined; pumping devices on vehicles prohibited.

No person shall bring into the City of New York, or have, keep, sell or offer for sale in said city, any cured, smoked, or otherwise processed beef (voluntary muscle tissue of the adult bovine animal), tongue, ham or "Cali" ham (shoulder of pork), which is adulterated.

Such cured, smoked or otherwise processed meat shall be deemed adulterated:

(1) If it contains any gelatin or fat injected or pumped into the meat.

(2) If it contains added water greater than ten percentum (10%) of the weight of the meat.

"Added water" defined. Added water as herein used shall be taken to mean and include the water content of meat in excess of four times the weight of protein found in the meat.

No person shall have upon any vehicle transporting meat any hypodermic syringe, pump or other device that can be used for the injection or pumping of any fluid or other substance into the meat. (*Adopted January 12, 1937*).

§141. Poisonous, deleterious, and unwholesome substances; use as food prohibited.

No person, being the owner, lessee, manager, or in charge of any place in which food or drink is produced, manufactured, prepared, packed, stored, distributed, offered for sale, or sold shall, therein or thereat, offer or have, for food or drink, or to be eaten or drunk, any poisonous, deleterious, or unwholesome substance, or allow anything to be done or to occur, therein or thereat, dangerous to life or prejudicial to health. (S. C., §47).

§141a. Bleached flour to be conspicuously marked or labeled.

No flour, to which oxides of nitrogen, or nitrous acid, or nitrates, or chlorine, or any other chemical bleaching agent has been added, shall be brought into the City of New York or held, kept, offered for sale or sold in said City, unless the package or container shall be legibly and conspicuously marked or labeled with the word "Bleached."

No bleached flour although properly labeled shall be brought into the City of New York, offered for sale or sold in the said City, unless the miller, jobber or packer of such flour has filed with the Department of Health an affidavit stating the name of the bleaching agent used in the bleaching of such flour. (*Adopted June 9, 1922 and amended May 2, 1933*).

§141b. (Repealed May 2, 1933).

§142. Food; to be protected from dust, dirt, flies, or other contamination.

No food intended for human consumption shall be kept, sold, offered for sale, displayed, or transported, unless protected from dust, dirt, flies, and other con-

tamination; nor shall any food intended for human consumption be deposited or allowed to remain within a distance 2 feet above the surface of any sidewalk, street, alley, or other public place, or the floor of any building where exhibited, unless the same shall be contained in boxes or other receptacles, so as to be protected from dogs and other animals and their excretions.

No candy, or bread, pastry, or other bakery product, intended for human consumption, shall be kept, sold, offered for sale, or displayed in any open window or doorway of a building, or upon any stand, or pushcart, wagon, or other vehicle in any street or other public place, unless such candy or bread, pastry, or other bakery product is separately wrapped in paper or contained in a cardboard box or other dust and flyproof wrapper or container.

The provisions of this section shall take effect August 16, 1919 (S. C., §46; amended July 24, 1919).

§143. Eating and drinking utensils; use in common prohibited; the term "public place" and "factory" defined.

The use of common eating or drinking utensils in any public place, park, street or avenue, public institution, lodging-house, hotel, theatre, factory, school, public hall, railroad car, ferry boat, railway station, or ferry house, or the furnishing of any such common eating or drinking utensils for use in any such place is hereby prohibited.

The term "public place" as used herein shall be construed to include:

(a) Any place where goods, wares, or merchandise are sold or offered for sale;

(b) Any department, bureau, building, or office, of a municipal corporation.

The term "factory" as used herein shall be construed to include any workshop or manufacturing or business establishment where persons are employed at labor. (S. C., §189).

§144. Cooking, eating and drinking utensils to be properly cleansed after being used; the term "properly cleansed" defined; protection of cooking utensils, etc., from dirt, dust, flies, etc.; exception.

All utensils used in the preparation, service and sale of any food or drink intended for human consumption, and all knives, forks, spoons, plates, dishes, cups, saucers and glasses used in the preparation, service and sale of any food or drink intended for human consumption shall be properly cleansed after being used, and no such utensil, or knife, fork, spoon, plate, dish, cup, saucer or glass shall under any circumstances be used a second time unless it shall have been, after the previous use thereof, so cleansed. In such cleansing the use of water which has become insanitary by previous use thereof is prohibited.

The term "properly cleansed" as herein used shall be taken to mean the cleansing after each use of all utensils, including knives, forks, spoons, plates, dishes, cups, saucers or glasses used in the preparation, service or sale of any food or drink intended for human consumption, in a solution of soap or soda or suitable cleansing powder in hot water followed by a thorough rinsing or spraying or immersion in clean boiling water (212° F.) for a period of one minute, or in hot water of a temperature not less than one hundred and eighty (180° F.) degrees Fahrenheit at all times when used for purposes of sterilization, for a period of two minutes; by sterilization with live steam; or by some other equally effective method approved by the Department of Health.

All crockery, cutlery, glassware and cooking, eating and drinking utensils which have been properly cleansed and sterilized must be so stored, kept and handled as to prevent contamination from dust, dirt, flies or other sources.

No beverages or drinks intended for human consumption shall be sold, offered for sale or dispensed upon any stand or pushcart, wagon or other vehicle, in any street or other public place, unless such beverage or drink is dispensed or served in a paper cup or other single service container. (S. C., §49-b; amended May 31, 1916, August 1, 1921, and March 13, 1928).

§145. Prohibited metals in taps, faucets, tanks, fountains, vessels, etc., when used for drinks, beverages and food.

No person shall keep or use in the manufacture, sale or keeping for sale, of any drink, beverage or food, nor shall any person offer for sale, sell or manufacture, for use in the preparation, storage or dispensing of a drink, beverage or food, any tap, faucet, tank, fountain, refrigerator, utensil, vessel, apparatus, or any pipe, or conduit or parts in connection therewith, which is composed or made either wholly or in part of lead, cadmium, or other metal or metallic

substances that are or will be affected by the drink, beverage or food so that dangerous, unwholesome, or deleterious compounds are formed therein or thereby or such that the drink, beverage or food made or stored therein or drawn therefrom shall be unwholesome, dangerous or detrimental to health. (S. C., §51; amended June 8, 1939).

§146. Employment of persons affected with a communicable disease prohibited; medical certificate required where milk is produced, pasteurized, etc.

No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any place where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, manufactured, offered for sale, or sold, and no food dealer shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease.

No person producing milk in the City of New York for the purpose of sale and no wholesale dealer in milk or cream or operator of a creamery or of a milk or cream receiving station, pasteurizing or bottling plant or manufacturer of frozen desserts at wholesale in the City of New York or whose products are shipped into said City shall employ any person and no person shall work in such place, unless he has filed with his employer a medical certificate signed by a duly licensed physician stating the date of examination and that such person is free from any disease in a communicable form. Such medical certificate shall be good for one year from the date of such examination.

(Amended December 21, 1915, April 25, 1916, March 1, 1923, January 24, 1933 and September 18, 1934).

§147. Room, factory, stall, place, and appurtenances to be kept in a cleanly and wholesome condition; food, drugs and drink to be clean and wholesome, and not poisoned, infected, or rendered unsafe; personal responsibility of owner, lessee, occupant, or person in charge.

Every person being the owner, lessee, occupant, or in charge of any room, stall, factory, premises, or place, where any food or drink intended for human consumption, or drugs intended for internal or external human use, shall be manufactured, prepared, stored, kept, held, or offered for sale, shall put and keep such room, stall, factory, premises, or place, and its appurtenances, in a cleanly and wholesome condition, and every person having charge, or interested or engaged, whether as principal or agent, in the care or in respect to the custody or sale, of any food or drink intended for human consumption, or drugs intended for internal or external human use, shall put and preserve the same in a cleanly and wholesome condition, and shall not allow the same, or any part thereof, to become poisoned, infected, or rendered unsafe or unwholesome for human food or drink or for internal or external human use. (S. C., §49; amended Dec. 28, 1916).

§148. Manufacture and storage of food and drink regulated.

No building, room, or place, where food or drink is prepared, cooked, mixed, baked, exposed, bottled, packed, handled, stored, or manufactured, shall be conducted, operated, maintained, or used otherwise than in accordance with the regulations of the board of health.

§148a. Syrup; manufacture and sale regulated.

No person shall manufacture any syrup for sale without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and the regulations of the said Board. (Adopted April 29, 1924).

§149. Conduct and maintenance of restaurants regulated; permit required.

No person shall conduct, operate, or maintain any restaurant in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and the regulations of said board. The term "restaurant," as herein used, shall be taken to mean and include every buffet, lunch room, grill room, lunch counter, dining-room of hotel, and every other public place where food is served, sold and consumed on the premises, every lunch counter in a saloon where food is sold or given away, and all kitchens appurtenant thereto or connected therewith. (Amended Jan. 30, 1917).

§150. The care and sale of food and drink in stores regulated.

No grocery store, butcher store, delicatessen store, confectionery store, bakery store, milk store, butter and egg store, fruit and vegetable store, fish store, or other place where food or drink is handled, stored, offered for sale, or sold, shall be conducted or maintained otherwise than in accordance with the regulations of the board of health.

§150a. Sale of fish in streets regulated; sale of shellfish in streets prohibited; exception.

All fish held, kept or offered for sale in and upon any street or public place in the City of New York shall be properly iced or refrigerated, and kept and displayed in such manner as not to cause a nuisance or be a menace to health.

All fish stands, push-carts or other vehicles shall be provided with tightly covered, water-tight, metal receptacles in which all refuse and waste material shall be immediately placed. All refuse and other waste material shall be removed as often as necessary and shall not be allowed to become a nuisance.

No shellfish shall be held, kept, sold or offered for sale on a push-cart or other vehicle, in any street or public place in said City, except in the public markets designated by the Board of Aldermen and in accordance with the terms of the permit issued therefor in such public markets by the Board of Health and the regulations of said Board. (Former §150-a repealed March 20, 1934; new §150-a adopted December 10, 1935).

§150b. (Repealed March 20, 1934).**§150c. (Repealed March 20, 1934).****§151. Unwholesome, unclean, watered, or adulterated milk, skimmed milk and cream, and skimmed milk, cream, butter or cheese made therefrom; possession and sale prohibited.**

No persons shall have at any place where milk, skimmed milk, cream, butter, or cheese is kept for sale, or at any place sell, deliver, offer or have for sale or keep for use, nor shall any person bring or send to the city of New York, any milk, skimmed milk, or cream which is unwholesome, unclean, watered, or adulterated or milk known as "swill milk", or milk from cows or other animals that have been fed in whole or in part on swill, distillery waste, or any substance in a state of putrefaction or in any way unwholesome, or milk from sick or diseased cows or other animals, or any cream, skimmed milk, butter or cheese made from any such milk or any unwholesome butter or cheese. (S. C., §52; amended June 28, 1917).

§151a. Butter, cheese and cream cheese, sale and manufacture regulated; eggs, sale regulated; "cream" and "cream cheese" defined; permits required; exception.

No person shall have, keep, offer for sale, or sell, any butter, cheese, cream cheese or eggs in the City of New York, or manufacture in said city, any butter, cheese or cream cheese, for the purpose of keeping, selling or offering such butter, cheese or cream cheese for sale, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of the said Board.

The permit requirement in this section shall apply to all wholesalers and manufacturers but not to the sale of the aforesaid products in retail stores where such products are sold directly to the consumer. Permits heretofore issued for the sale of any of the aforesaid products in retail stores where such products are sold directly to the consumer, shall be deemed revoked.

The term, "cheese," as used herein, shall be taken to mean and include the product of the dairy, usually known by that term, which is manufactured exclusively from pure, unadulterated milk, skimmed milk or cream, with or without coloring matter, salt, rennet, sage, olives, pimentos, walnuts, peanuts, tomatoes, celery salt, or onions, added thereto as a flavor; provided that when manufactured by adding to the elemental product of the dairy usually known by the term "cheese," and manufactured exclusively from pure, unadulterated milk, skimmed milk or cream, any pimentos, olives, walnuts, peanuts, celery salt, tomatoes or onions, the percentage of all such substances so added shall not exceed twenty-five (25%) per centum in bulk of the manufactured product.

The term, "cream cheese," as used herein, shall be taken to mean and include

the unripened cheese made by the Neufchatel process from pure, unadulterated milk and cream. It shall contain, in the water free substance, not less than sixty-five (65%) per centum of milk fat. (Adopted January 22, 1924 and amended March 14, 1939).

§151b. Butter, cheese, cream cheese and eggs; sale regulated; cheese and cream cheese defined; permit required.

(Repealed March 14, 1939).

§151c. Whipped butter; preparation or whipping of butter regulated; permit required.

No person shall prepare or whip any butter by means of any device or machine, for the purpose of keeping, selling or offering such butter for sale in the City of New York, without a permit from the Board of Health or otherwise than in accordance with the terms of the said permit and the regulations of the said Board.

The term "whipped butter" as used herein means unadulterated butter as defined by Section 152 of the Sanitary Code and which has been whipped or treated by device or machine. (Adopted Sept. 24, 1929, amended Oct. 7, 1930).

§151d. Butter; churning or manufacture.

(Repealed March 14, 1939).

§152. Adulterated butter, milk and cream; distribution prohibited; terms "adulterated" and "butter" defined.

No butter, milk or cream which is adulterated shall be brought into the city of New York, or held, kept, sold or offered for sale, at any place in said city; nor shall any person or corporation keep, have, sell or offer for sale in the said city any such butter or milk or cream.

The term "butter" as used herein, means the product of the dairy, usually known by that term, which is manufactured exclusively from pure unadulterated milk or cream, or both with or without salt or coloring matter and containing not less than eighty per centum by weight of milk fat.

Milk, butter or cream in the possession of or held, kept or offered for sale by a dealer in food shall *prima facie* be deemed to be held, kept and offered for sale as human food.

The term "adulterated" shall be taken to mean and include:

First. Milk containing more than eighty-eight and one-half percentum of water or fluids.

Second. Milk containing less than eleven and one-half per centum of milk solids.

Third. (Annulled January 11, 1927).

Fourth. Milk from which any part of the cream has been removed.

Fifth. Milk containing less than three per centum of fats.

Sixth. Cream which contains less than eighteen per centum of butter fat.

Seventh. Milk, or cream from milk, which has been drawn from cows within fifteen days before or five days after parturition.

Eighth. Milk, or cream from milk, which has been drawn from animals fed on distillery waste, or any substance in a state of putrefaction, or on any unwholesome food.

Ninth. Milk, or cream from milk, which has been drawn from cows kept in a crowded or unhealthy condition. The term "unhealthy condition" as used herein shall be taken to mean and include not only freedom from disease, but also the keeping of cows without providing an adequate plot for grazing and pasturing or a suitable and adequate yard for the exercising of such cattle. (As amended by the Board of Health August 8, 1928).

Tenth. Milk or cream which has been diluted with water or any other fluid, or to which has been added, or into which has been introduced, any foreign substance whatever.

Eleventh. Milk or cream, the temperature of which is higher than 50 degrees Fahrenheit, or which contains an excessive number of bacteria.

Twelfth. Milk, or cream from milk, which is produced in violation of the regulations of the Board of Health.

Thirteenth. Butter containing less than eighty per centum by weight of milk fat.

The provisions of this section shall not be applicable, however, to modified

milk, held or offered for sale under permit therefor issued by the Board of Health. The provisions of this section shall, however, apply to cream sold under any foreign name meaning cream, such as smeteny, crema, and rahm, and to all cream products and preparations such as homogenized products and milk curds. The provisions concerning temperature and bacterial content shall not apply to sour cream.

(S. C., §53; amended June 28, 1917, January 11, 1927, August 8, 1928 and May 12, 1936).

§153. Adulterated milk, skimmed milk, and cream; seizure and destruction authorized.

Any milk, skimmed milk or cream found to be adulterated, which has been brought into the city of New York or is held or offered for sale in said city may be seized and destroyed by any inspector or other officer of the department of health authorized to inspect the said milk or cream. (S. C., §54; amended June 28, 1917).

§154. Adulterated condensed milk; distribution prohibited; the term "adulterated" defined.

No person shall bring into the City of New York, or have, keep, sell or offer for sale in said City, any condensed milk which is adulterated. The term "adulterated," when used in this section, refers to condensed milk in which the amount of fat is less than twenty-five per centum of the milk solids contained therein, or to which any foreign substance whatever has been added, excepting sugars, as in sweetened condensed milk. (S. C., §55; amended June 13, 1939).

§155. Milk, skimmed milk, cream, ice cream mix, condensed milk, condensed skimmed milk, modified milk, buttermilk, cultured buttermilk, chocolate milk, chocolate flavored drink, cocoa milk, and cocoa flavored drink; sale regulated; permit required; exception.

(1) No milk, skimmed milk, cream, ice cream mix, condensed milk, condensed skimmed milk, modified milk, buttermilk, cultured buttermilk, chocolate milk, chocolate flavored drink, cocoa milk or cocoa flavored drink, shall be held, kept, offered for sale, sold or delivered in the City of New York, without a permit issued therefor by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

(2) The permit requirement in this section shall apply to the sale or delivery of the aforesaid products from vehicles directly to the consumer, but shall not apply to the sale of the aforesaid products in retail stores where such products are sold directly to the consumer, nor shall the provisions in this section apply to ice cream mix, condensed milk, or condensed skimmed milk when sterilized and packed hermetically sealed cans.

Permits heretofore issued for the sale of any of the aforesaid products in retail stores where such products are sold directly to the consumer shall be deemed revoked.

(3) Permits to sell the aforesaid products in the City of New York shall be divided into three classes as follows:

Class A—For a dealer who operates a pasteurizing plant in New York City.
Class B—For a dealer who operates a milk and milk products depot.

Class C—For a dealer who operates not more than one vehicle, in the delivery or distribution of milk, and who does not maintain his own pasteurizing plant or depot but utilizes the facilities of a pasteurizing plant or a branch distributing depot of such plant located in the City of New York and under permit from the Board of Health.

(4) Every vehicle used in the transportation or delivery of the aforesaid products in the City of New York, other than tank trucks, shall have attached on the opposite sides thereof metal plates issued by the Department of Health, bearing a vehicle identification number. Such metal plates shall be issued annually for each calendar year upon payment of \$1 for each set of plates.

This amendment shall take effect September 1, 1939.

(S. C., §56; amended December 21, 1915, June 28, 1917, January 22, 1920, March 14, 1939, July 26, 1939 and further amended July 27, 1939).

§155a. Vitamin D milk and milk products defined; production and sale thereof regulated; permit required.

(1) No person shall bring into the City of New York, or have, keep, sell, or

offer for sale in said City, any milk or milk products, as Vitamin D milk or milk product, or as possessing anti-rachitic quality or potency, otherwise than in accordance with the regulations of the board of health and unless the Vitamin D content or potency has been measurably increased in the course of production by one of the following methods or processes:

- (a) Feeding of irradiated yeast to cows,
- (b) Direct irradiation of the milk or milk product with ultra-violet light or carbon arc lamp rays, or
- (c) The addition thereto of a concentrate of Vitamin D direct to the milk or milk product.

(2) No milk or milk product shall be processed or treated for the purpose of increasing the Vitamin D content or potency thereof, in the City of New York, which milk or milk product is intended for sale or distribution in said City, and no milk or milk product which has been so processed or treated outside of the City of New York, and no milk or milk product produced from cows which have been fed with irradiated yeast, and no milk or milk product labeled or represented as "Vitamin D," or as possessing anti-rachitic quality or potency, shall be brought into the City of New York, for sale or distribution therein, without a permit therefor issued by the board of health of the City of New York or otherwise than in accordance with the regulations of the said board.

Permits pursuant to this section shall be divided into two classes, as follows:

"Vitamin D Processing Permit"—This permit shall confer permission to process or treat milk or milk products in the City of New York for the purpose of increasing their Vitamin D content.

"Vitamin D Transportation Permit"—This permit shall confer permission to bring into the City of New York for the purpose of sale thereof, milk or milk products, of which the Vitamin D content has been increased by any of the processes or methods referred to herein.

This section shall apply to evaporated, condensed or concentrated milk packed in hermetically sealed cans when labeled or represented as "Vitamin D" or as possessing anti-rachitic quality or potency, except as regarding the source of supply of such milk product.

Vitamin D milk and milk products defined.—Viatmin D milk and milk products as referred to herein and in the regulations adopted hereunder shall mean and include certified (raw) milk, Grade A pasteurized milk and Grade B pasteurized milk produced in accordance with the provisions of the Sanitary Code and the regulations of the board of health and the milk products known as evaporated, condensed and concentrated milk packed in hermetically sealed cans, of which the Vitamin D content or potency has been measurably increased by one of the following methods or processes: (A) feeding of irradiated yeast to cows, (B) direct irradiation of the milk or milk product with ultra-violet light or carbon arc lamp rays, or (C) the addition thereto of a concentrate of Vitamin D direct to the milk or milk product. Effective June 1st, 1935. (Adopted March 14, 1935).

§155b. Homogenized milk; production, labeling and sale regulated.

No homogenized milk shall be held, kept, offered for sale or sold in the City of New York, unless such milk was pasteurized and homogenized at the place of, and immediately before pasteurization by a method approved by the Department of Health.

The tags, caps or labels on containers of homogenized milk shall bear the word "homogenized" in clear and legible type of not less than one-sixteenth (1/16) of an inch in size in addition to all the other information required thereon for pasteurized milk under the provisions of the Sanitary Code and the regulations of the Board of Health.

This section shall become effective immediately, except that the sale of homogenized milk in bottles or single service containers shall not commence before August 1, 1939.

(Adopted June 8, 1939).

§156. Milk and cream, grades and designations.

All milk or cream held, kept, offered for sale, sold or delivered in the City of New York shall be so held, kept, offered for sale, sold, and delivered in accordance with the regulations of the Board of Health and under the following grades or designations and not otherwise:

"Certified" milk or cream.

"Certified" milk or cream (pasteurized).

"Grade A" milk or cream (pasteurized).

"Grade B" milk or cream (pasteurized).

The provisions of this section shall apply to milk or cream used for the purpose of producing or used in the preparation of sour milk, buttermilk, homogenized milk, milk curds, sour cream, Smeteny, Kumyss, Matzoon, Zoolak, and other similar products or preparations, provided that any such product or preparation be held, kept, offered for sale, sold, or delivered in the City of New York. (S. C., §56-a; amended June 28, 1917, May 5, 1926, September 28, 1926, and November 23, 1935).

§157. Milk, skimmed milk, and cream; must conform to grade standards.

All milk, skimmed milk, or cream held, kept, offered for sale, sold or delivered in the City of New York shall conform in character to the standards and requirements set forth in section 156 of this code as applicable to the particular grade under which such milk or cream shall be held, kept, offered for sale, sold or delivered. (Amended June 28, 1917).

§157a. Emergency distribution of milk.

The board of health of the department of health of the City of New York being invested with exclusive jurisdiction of matters of health in the City of New York, finding that, under the prevailing economic conditions, the purchasing power of a very large number of persons in this city has been reduced to a point where the inability to purchase milk at prevailing prices has led to malnutrition of adults as well as of infants and school children, which malnutrition is a menace to the public health of the people of this city, declares an emergency to exist and deems it necessary and proper for the preservation of life and health in the City of New York to provide for the distribution of milk in said city to such persons, at a price within the means of those at present unable to purchase a sufficient supply of milk, and to that end, during such emergency, not exceeding the period of one year from April 11, 1939, authorizes and empowers the commissioner of health to purchase and sell Grade B pasteurized milk at the welfare and/or baby health stations and/or elsewhere in this city, at cost but not exceeding eight cents per quart, or to contract for or permit the retail distribution of such milk at the welfare and/or baby health stations and/or elsewhere in this city, under his supervision and direction and in accordance with the regulations of the board of health, at cost or not exceeding eight cents per quart, provided that the milk herein referred to shall be sold in bottles or individual containers bearing, in addition to other Sanitary Code requirements, a statement attached to the said bottle or container to the effect that such milk is distributed through the department of health of the City of New York. The resale of any such milk, by a purchaser or any other person, is prohibited.

In the sale of milk, pursuant to the provisions of this section, deposit for the bottle may be charged not exceeding the sum of three cents per bottle. Nothing herein contained shall in any wise affect the price paid to the producer for any of the milk herein referred to. (To take effect immediately). (Adopted June 9, 1934 and amended May 14, 1935, April 15, 1936, April 13, 1937, April 12, 1938 and April 11, 1939).

§158. Buttermilk, sour milk, sour cream, and other milk products; quality of product regulated.

Buttermilk, sour milk, sour cream, kumyss, matzoon, zoolak, and similar products shall not be made from any milk or cream of a less grade than that designated for grade B and shall be pasteurized before being put through a process of souring or fermentation. Sour cream shall not contain a less percentage of fat than that designated for cream. (S. C., §57).

§159. Bottles, cans, and other receptacles for holding milk, skimmed milk, and cream; use regulated and restricted.

It shall be the duty of all persons having in their possession bottles, cans, or other receptacles containing milk, skimmed milk, or cream, which are used in the transportation or delivery of milk, skimmed milk, or cream, to clean or cause them to be cleaned immediately upon emptying.

No person shall use or cause or allow to be used any receptacle which is used in the transportation and delivery of milk, skimmed milk, or cream for any

purpose whatsoever other than the holding of milk, skimmed milk, or cream; nor shall any person receive or have in his possession any such receptacle which has not been washed after holding milk, skimmed milk, or cream or which is unclean in any way. (S. C., §183; *amended June 28, 1917*).

§159a. Empty bottles, cans and other receptacles for holding milk, skimmed milk, buttermilk, cream, or ice cream, not to be contaminated with garbage and offensive materials.

No person shall place, or cause, or allow to be placed in or on any street, park, or any open space therewith connected, any empty bottle, can, or other receptacle used or intended to be used for the transportation and delivery of milk, skimmed milk, buttermilk, cream, or ice cream, which empty bottle, can, or other receptacle is to be returned or intended to be returned to the person so transporting or delivering such substance to be again thus used or which is liable to continued use in so transporting or delivering such substance, as aforesaid; nor shall any person place, or cause, or allow to be placed in any such empty bottle, can, or other receptacle, any refuse, dirt, garbage, or filth, or any poison, or any offensive, harmful, or deleterious substance or material whatsoever; nor shall any person place, or keep any such empty bottle, can, or other receptacle, or cause, or allow the same to be placed or kept in any place which is used for storing garbage, ashes, rubbish, refuse, or other offensive, harmful, deleterious, or dangerous substances or materials, or in any container used for receiving or transporting the same.

It shall be the duty of the owner of any empty bottle, can, or other receptacle, used or intended to be used for the transportation and delivery of milk, skimmed milk, buttermilk, cream or ice cream, to collect and remove the same promptly and the owner of such container shall not allow the same to accumulate at any place other than their own premises. (*Adopted July 25, 1921*).

§159b. Sale of loose milk prohibited, exceptions.

(a) No milk shall be offered for sale, sold or shall be dispensed direct to the consumer in the City of New York, in any container other than in bottles or individual containers, filled and properly capped or sealed and labeled at the plant where pasteurized, except where such milk is dispensed direct to the consumer for consumption on the premises where dispensed from a pump or other similar mechanical dispensing device satisfactory to the Board of Health and in accordance with the regulations of said Board. Such device shall be washed, sterilized, filled and sealed at the pasteurizing plant after filling. The seal or seals of the device, other than that necessary to be broken for the dispensing of milk, shall remain intact during the entire period of dispensing, and no milk shall be dispensed from the device after the seal has been broken. The milk container of the dispensing device shall be properly rinsed immediately after emptying and before being returned to the milk depot or pasteurizing plant.

(b) No person shall supply, deliver, offer for sale or sell in the City of New York, any milk in cans, except to restaurants, bakeries, or manufacturing establishments for cooking or manufacturing purposes, or to another wholesale milk dealer.

(c) The Board of Health, upon proper application made by a hospital or an institution that feeds and cares for large number of persons, may issue a certificate exempting such hospital or institution from the foregoing provisions so as to permit the receiving and using thereof of such milk in cans. It shall be the duty of every person before supplying or delivering milk in cans to such hospital or institution to ascertain whether it holds such exemption certificate.

(d) A dispensing device shall not be deemed satisfactory unless it be simple in construction and so designed that (1) all the parts of the device with which milk comes in contact can be readily taken apart for cleaning and be easily cleaned and, in the assembled state, sterilized at the pasteurizing plant where filled; (2) that the device when filled may be so sealed that the contents cannot be tampered with without breaking or destroying the seal; and (3) that the milk, if not homogenized, will be kept thoroughly and automatically mixed so as to insure with each dispensing operation a proper proportion of the constituents of the milk contained in the dispensing device.

(*Adopted October 11, 1932 and amended July 10, 1934, May 11, 1937 and June 8, 1939*).

§159c. Sale of loose sweet cream, sour cream, buttermilk, cultured buttermilk, fermented milks, chocolate or cocoa milk, or chocolate or cocoa flavored drink, prohibited.

1. No sweet cream, sour cream, buttermilk, cultured buttermilk, fermented milks, chocolate or cocoa milk, or chocolate or cocoa flavored drink, shall be offered for sale, sold or dispensed, direct to the consumer in the City of New York, in any container other than in bottles or single service containers, except that this requirement shall not be deemed to apply to sweet or sour cream served at restaurants for consumption on the premises, or to buttermilk, cultured buttermilk, fermented milks, chocolate or cocoa milk, or chocolate or cocoa flavored drink, when dispensed at a restaurant from a mechanical dispensing device described in Section 159-b and satisfactory to the Board of Health. Such bottles or single service containers must be filled and properly capped or sealed at the plant where the product was pasteurized, except in the case of sour cream, buttermilk, cultured buttermilk or fermented milks the filling and capping may be done at a milk and milk products depot under permit from the Board of Health.

2. No person shall supply, deliver, offer for sale or sell in the City of New York any of the products hereinbefore mentioned, in containers other than those referred to in Subdivision 1, except to another wholesale dealer in such products, to a hospital or institution that feeds and cares for a large number of persons, or, in the case of sweet and sour cream, to a bakery or manufacturing establishment for baking or manufacturing purposes or to a restaurant for cooking or consumption on the premises.

This amendment shall take effect April 1, 1939.

(*Adopted November 9, 1938*).

§160. Carcasses of calves, pigs, kids or lambs; fish, birds and fowl; sale regulated.

Carcasses of calves, pigs, kids, or lambs, or any part thereof, shall not be brought into the City of New York, or held, sold, or offered for sale anywhere within the said city, if (a) the meat has the appearance of being water soaked, is loose, flabby, tears easily and can be perforated with the fingers; or (b) its color is grayish red, or (c) good muscular development as a whole is lacking especially noticeable on the upper shank of the leg, where small amounts of serous infiltrates or small oedematous patches are sometimes present between the muscles; or (d) the tissue which later develops as the fat capsule of the kidneys is oedematous, dirty yellow or grayish red, and intermixed with islands of fat. No meagre, sickly, or unwholesome fish, birds, or fowl shall be brought into said city or held, sold, or offered for sale for human food therein. (S. C., §43; amended December 21, 1915, May 3, 1922, and March 14, 1935).

§161. Cattle; not to be killed while in an overheated, or feverish condition.

No cattle shall be killed for human food while in an overheated, or feverish condition. (S. C., §44).

§162. Meat and dead animals; sale regulated.

No meat or dead animal above the size of a rabbit shall be taken to any public or private market, nor shall any such meat or dead animal be stored or held, kept, offered for sale, or sold in any such place until the same shall have been fully cooled after killing, nor until the entrails and feet (except of poultry and game and except the feet of swine) shall have been removed. (S. C., §45).

§163. Unhealthy, unsound, unwholesome and unsafe meat, vegetables and milk, possession and sale prohibited; poultry in cans, sale restricted; terms "meat," "vegetables" defined.

No meat, vegetables or milk not being then healthy, fresh, sound, wholesome or safe for human food or the meat of any animal that died by disease or accident, shall be brought into the City of New York or held, kept, offered for sale or sold as such food or kept stored anywhere in the said City.

No canned poultry or poultry products shall be packed, prepared, produced or put up for human food in the City of New York or held, kept, offered for sale or sold as such food therein unless the said poultry shall have been inspected and passed as fit for consumption as human food by a duly authorized inspection of the United States Department of Agriculture, or of any foreign or other domestic inspection service approved by the Board of Health of the City of New York, and each can containing such food shall be marked, stamped or labeled

so as to show that the contents thereof have been so inspected and passed, together with the name and address of the packer, or the identification plant number and the name and address of the distributor plainly stated on the outside of the container.

Any meat, vegetables or milk packed in cans, the contents of which have become fermented as evidenced by swelling or bulging, or where the cans are broken, damaged or rusted, or emit a foul or offensive odor, shall be deemed not healthy, fresh, sound, wholesome or safe for human food.

The term "meat" as used herein shall include fish, birds, eggs and fowl.

The term "vegetables" shall include any product, substance or article used as and for human food other than milk or meat.

(S. C., §42; amended June 5, 1928, September 25, 1928 and January 10, 1939).

§164. Shellfish defined; sale regulated; permits and registration.

(1) No shellfish shall be brought into the City of New York, or held, kept, sold or offered for sale in said City, without the required permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board. The permit herein referred to shall be divided into two classes, as follows:

Class A Permit—to sell shellfish at wholesale and retail.

Class B Permit—to sell shellfish at retail.

The term or phrase "at wholesale" wherever used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include the handling, transporting, delivering, offering for sale, or selling shellfish to dealers, restaurants, hotels, stores, stands or vehicles, for resale or further distribution, or otherwise than a retail sale direct to the consumer.

The term "shellfish" as used in this section or other sections or regulations pertaining to shellfish shall be taken to mean and include oysters, all kinds of clams, except surf clams (*mastra solidissima*), and mussels.

The requirement herein of a shellfish permit shall not apply to a shipper of shellfish into the City of New York who is registered with the Department of Health. A shipper of shellfish located in the State of New York but outside the City of New York who holds a shipper's shellfish certificate of approval from the New York State Conservation Department, or a shipper of shellfish located outside the State of New York who holds a shellfish certificate from the state agency having control over the shellfish industry of his state and such certificate or certification has been approved or endorsed by the United States Public Health Service, shall be registered with the Department of Health under this provision.

(2) No dealer in shellfish or other foods shall purchase or have in his possession shellfish received from a dealer who is not the holder of a permit to sell shellfish at wholesale, or a shipper of shellfish registered in the manner hereinbefore referred to, for shipping shellfish into the City of New York.

(3) This section and the regulations thereunder, as amended, shall take effect January 1, 1937, except that all permits for the sale of shellfish heretofore issued for establishments located in the City of New York, shall remain valid until February 15, 1937, but applications for new permits under this section may be made on and after January 1, 1937. (S. C., §185; amended April 29, 1920, March 4, 1926 and December 8, 1936).

§164a. Taking shellfish from condemned areas, prohibited.

No person shall dig, rake, tong, dredge or otherwise remove any oysters, clams or mussels from the waters located within the City of New York, nor shall any person deal in, have in his possession or have, keep, offer for sale or sell any such shellfish for any purpose whatsoever, provided that during the period from May 15th to July 31st, inclusive, oysters may be removed from the waters of Raritan Bay and Princess Bay pursuant to the regulations of the Board of Health, upon written permission of the Director of the Bureau of Food and Drugs of the Department of Health, for the purpose of transplanting the oysters so taken, to other approved grounds or water areas for growing or maturing. (Adopted July 30, 1925; amended December 20, 1932).

§165. Artificial or natural mineral, spring, or other waters; manufacture regulated.

It shall be the duty of every wholesale dealer, manufacturer, importer, or other person who manufactures or imports, or sells at wholesale in the city of New York, any artificial or natural mineral, spring, or other water, for drinking

purposes, to file, under oath, with the department of health, the name of such water and the exact location from which it is obtained, the chemical analysis and the bacteriological examination thereof, and, when manufactured, the name of every substance or element entering into its composition.

No person shall manufacture or bottle, any mineral, carbonated, or table water, in the city of New York, without a permit issued therefor by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. No permit will be required, however, where the city water supply is conducted through closed pipes and connected with a carbonated apparatus, from which it is dispensed direct to the consumer, without coming in contact with the air, and not handled in any way. (S. C., §59).

§165a. Soft drinks; sale regulated; permit required.

No person shall have, keep, sell or offer for sale in any public place in the City of New York any soda water, lemonade, orangeade, orange drink, pineapple drink, or other soft drinks without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of the said permit and the regulations of the said Board. (*Adopted June 11, 1926*).

§165b. (Repealed July 11, 1933).

§166. Public water supply; purity and wholesomeness protected.

No person shall throw or allow to run or pass into any public reservoir, waterpipe, or aqueduct, or into or upon any border or margin thereof, any excavation or stream therewith connected, any animal, vegetable, or mineral substance whatever; nor shall any person (having the power or right to prevent the same) do or permit any act or thing that will impair or imperil the purity or wholesomeness of any water or other fluid used or intended to be used as a drink, in any part of said city; nor shall any person bathe or (except in the discharge of a public duty) put any part of his person into such water, nor shall any unauthorized person open any erection or unscrew any hydrant holding such water. (S. C., §61).

§167. Water; duties of persons in authority.

It shall be the duty of every person, official, department, and board, having any authority and control in regard to any water intended for human consumption (and within the proper sphere of the duty of each thereof), to take all usual and also all reasonable measures and precautions to secure and preserve the purity and wholesomeness of such water. (S. C. §62).

§167a. Water for drinking and culinary purposes on vessel.

An adequate supply of drinking water, shall be furnished for the use of all persons aboard vessels plying upon waters within the jurisdiction of the City of New York, making trips of one-half hour duration or more between landings, and it shall be properly stored and protected aboard such vessels in accordance with the regulations of the Board of Health. (*Adopted May 3, 1922*).

§167b. Water boats; permit required.

No boat used to transport water to other vessels or places, for drinking or culinary purposes, shall be operated without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of the permit and the regulations of said Board. (*Adopted May 3, 1922*).

§168. Water from wells; the use thereof regulated and restricted.

Water from wells in the borough of Manhattan shall not be used, in the city of New York, for drink; nor shall water from wells in the borough of Manhattan be used for any other purpose in any tenement, lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and the regulations of the said board. Water from wells in the other boroughs of said city, other than the public water supply, shall not be used in any tenement or lodging-house, hotel, manufactory, or building, in which persons are living or employed, or in which there are offices, or a restaurant or saloon, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and the regulations of the said board. (S. C., §63).

§169. Drinking hydrants; water therefrom not to be rendered unwholesome.

No person shall destroy or in anywise injure or impair any drinking hydrant, or part thereof, in the city of New York; nor shall any person interfere with the use or enjoyment of the water therein or therefrom, or interrupt the flow thereof; nor shall any person put any dirty, poisonous, medicinal, or noxious substance into or near said water or hydrant, whereby such water is made or may be regarded as, dangerous or unwholesome as a drink. (S. C., §64).

§170. Addition of chemicals to water supply in buildings regulated; permit required.

(a) No person shall in the City of New York add, or engage in or by a sign or otherwise advertise or hold himself out as engaged in the business of adding, any chemical or other substance to the water supply within a building without a permit therefor from the Commissioner of Health. Such addition of chemicals shall be for anti-corrosion or anti-scaling purposes only, and shall be performed in conformity with the terms and conditions of said permit and the regulations of the Board of Health. No owner, lessee, occupant, tenant, or other person in charge of a building shall cause, permit, allow or suffer any chemical or other substance to be added to the water supply in such building which water supply is subsequently furnished to any guest, customer, occupant, tenant, or other person for domestic use or human consumption, unless such addition or treatment is performed by the holder of a permit from the Commissioner of Health and in accordance with the regulations of the Board of Health. The provisions of this section shall not apply to the treatment of water for industrial purposes, for swimming pools, for air conditioning systems, or for any use which does not include human consumption, but in all such cases proper precaution shall be taken to preclude the possibility that the treated water may come into contact with or contaminate the potable water supply distribution system of the building and provisions satisfactory to the Department of Water Supply, Gas and Electricity shall be made to preclude the possibility that the treated water may come into contact with or contaminate the public water supply.

(b) Only the following chemicals or mixtures thereof may be added to the water supply in a building:

Sodium silicates
Sodium carbonate
Sodium bicarbonate
Sodium hydroxide
Sodium phosphates
Calcium carbonate
Calcium bicarbonate
Calcium hydroxide

None of these chemicals shall be added in such manner as to increase the total alkalinity, total hardness or total silica content of the water by more than 50 parts per million as determined by the methods of water analysis contained in the latest edition of "Standard Methods of Water Analysis" approved by the American Public Health Association and the American Water Works Association.

(c) Addition of chemicals to the water supply in a building for anti-corrosion or anti-scaling purposes shall only be made by means of an approved mechanical device or apparatus designed and constructed to regulate the chemical dosage to conform with the provisions of this section. Such mechanical devices or apparatus shall be examined and if found satisfactory shall be approved by the Commissioner of Health. The Commissioner may appoint an Advisory Committee composed of representatives from the Health Department, Department of Water Supply, Gas and Electricity, the Association of Consulting Chemists and Chemical Engineers, the New York Section of the American Chemical Society, the New York Section of the American Institute of Chemical Engineers, and the American Water Works Association, to assist him in passing upon any such mechanical device or apparatus.

(d) A water supply system in any building that includes a mechanical device or apparatus for chemical anti-corrosion or anti-scaling treatment shall be equipped with protective means to prevent backflow or siphonage of treated water into the public water supply system. Such protective means shall be approved by the Department of Water Supply, Gas and Electricity.

(e) This section shall become effective April 1, 1939.

(Former §170 repealed July 11, 1933; new §170 adopted December 12, 1938).

§171. Shellfish; sale of adulterated and misbranded prohibited.

No person shall bring into the City of New York, or have, keep, sell, or offer for sale in said City, shellfish which are adulterated or misbranded.

Shellfish shall be deemed adulterated:

- (1) If, after removal from the shell, they have been subjected to a process whereby their solid contents is decreased or their volume increased.
- (2) If they consist wholly or in part, of diseased, decomposed, putrid or rotten substance.
- (3) If they contain any antiseptic or preservative.
- (4) If any substance or substances has or have been mixed or packed with them so as to reduce or lower or injuriously affect their quality or strength.

Shellfish shall be deemed misbranded:

- (a) If they are labeled or branded so as to deceive or mislead the purchaser.
- (b) If the container or its label shall bear any statement, design, or device regarding the shellfish or the ingredients contained therein, which statement, design, or device shall be false or misleading in any particular. (*Adopted January 30, 1917, amended April 29, 1919, April 29, 1920, March 4, 1926 and December 8, 1936.*)

§172. Sale of carcasses of certain animals and dressed birds, poultry and fowl restricted.

(1) Requirement.—No carcass or parts of a carcass of cows, bulls, steers, calves, lambs, goats or swine, and no dressed poultry, birds or fowl which have been eviscerated, shall be brought into the City of New York, or held, kept, sold, offered for sale or given away for human food in said City, until they shall, respectively, have been inspected and passed as fit for human food by a duly authorized inspector of the United States Department of Agriculture or a duly authorized inspector of the Health Department of this City and shall have been marked, stamped or branded as having been so inspected and passed, or, in the case of parts of a carcass, unless such parts shall have been cut from a carcass or part of a carcass which had previously been inspected and passed and so marked, stamped or branded as hereinbefore provided.

(2) Inspection service by the Department of Health.—Such inspection service by the Department of Health shall be given only to the carcasses of cows, bulls, steers, calves, lambs, goats or swine to which are attached, by their natural connections, the lungs, the liver, the heart, the spleen, the pleura, and the peritoneum and all the body lymph glands and further such inspection shall be given only at the wholesale meat markets known as West Washington, Washington and West Harlem Markets in the Borough of Manhattan; Westchester and Bronx Terminal Markets in the Borough of the Bronx; Wallabout, Fort Greene and North 6th Street Markets in the Borough of Brooklyn and the wholesale market area at Jamaica and Flushing in the Borough of Queens as follows:

(a) Marking of; certificate.—Such inspector of the Department of Health upon finding such carcass or part of a carcass, as the case may be, fit for human food, shall proceed to mark such carcass or part of a carcass by branding or stamping thereon with the stamp or brand furnished by the Department of Health the words, "Department of Health" "Inspected and Passed" together with the number or letter of the said stamp or brand, and such inspector shall also, upon branding or stamping such carcass or part of a carcass, deliver to the owner thereof, or said owner's representative a certificate, which shall be substantially in the following form:

Department of Health

Document No.
Date
Name of dealer
Place of inspection
Brief description of carcass or part of carcass
Name of inspector

Such certificate shall be consecutively numbered.

(b) Certificate; number of; filing.—Every such certificate shall be made in triplicate form, and the inspector shall deliver the original to the owner of the carcass or part of a carcass to which such certificate relates or said owner's representative and file a copy thereof, respectively, in the Department of Health and in the Office of the City Treasurer.

(c) Certificate, fee for.—For each carcass or part or parts of a carcass, thus marked and for which a certificate shall have been issued as hereinbefore provided, the owner thereof shall pay to the City the sum of five cents, and all moneys shall be collected monthly by the City Treasurer.

(d) Failure of prompt payment.—The dealer's failure to make payment within thirty days after the rendition of a bill by the City Treasurer for previous inspections shall constitute a violation of this section and the Department of Health may refuse further inspection until such bill is paid.

This section shall take effect January 1st, 1938.

(Adopted June 28, 1917, amended August 10, 1926, June 5, 1928; April 1, 1930 and December 14, 1937).

§173. Skimmed milk (fluid); distribution regulated; written permission and permit for manufacturing purposes; pasteurization; exception.

No skimmed milk shall be received by any milk pasteurizing plant approved by the Department of Health of the City of New York as a source of milk supply for said city, or any frozen dessert manufacturing plant under permit from said department, or brought into the City of New York, transported or held, kept, offered for sale or sold in said city, otherwise than in accordance with the following provisions and the regulations of the Board of Health:

(a) Skimmed milk prepared at a milk pasteurizing plant approved as aforesaid by the Department of Health of the City of New York may be used at the same plant for the manufacture of sour cream, chocolate flavored drink, cocoa flavored drink, cultured buttermilk, fermented skimmed milk, cheese, casein or similar products.

(b) Such approved milk pasteurizing plants and frozen dessert manufacturing plants under permit from said Department may receive skimmed milk for such manufacturing purposes only after receiving written permission therefor from the Director of the Bureau of Food and Drugs.

(c) Skimmed milk, to be used for manufacturing purposes only, may be received by and brought into the City of New York to a manufacturing establishment, other than a milk pasteurizing plant or a frozen dessert manufacturing plant, under a permit issued therefor to such manufacturing establishment by the Board of Health.

(d) No milk pasteurizing plant or milk receiving or shipping station shall ship skimmed milk to a person other than the operator of a milk pasteurizing plant or frozen dessert manufacturing plant having such written permission from the Director of the Bureau of Food and Drugs or a manufacturing establishment under a permit from the Board of Health as hereinbefore provided.

(e) No skimmed milk shall be used for manufacturing of any food product unless properly pasteurized at the point of manufacture.

(f) This section shall not apply to skimmed milk contained in hermetically sealed cans of not more than eight (8) fluid ounces capacity, nor to condensed or evaporated skimmed milk or dried skimmed milk.

(Adopted June 28, 1917, amended May 6, 1926, July 1, 1930 and September 13, 1938).

§174. Reconstituted-milk and reconstituted-cream; sale regulated.

(Repealed July 24, 1923.)

§175. Frozen desserts; definitions; manufacture and sale regulated.

No person shall bring into the City of New York, manufacture, or have, keep, offer for sale or sell in said City any frozen dessert or ice cream mix, except in accordance with the regulations of the Board of Health and under the following grades as herein defined and not otherwise;

"Ice cream"
"Ice cream mix"
"Milk sherbet"
"Ice or ice sherbet"

The term or phrase "frozen desserts" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include "ice cream," "milk sherbet," "ice or ice sherbet" or "imitation ice cream."

The term or phrase "ice cream" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include the pure, clean and wholesome frozen product or mixture made from milk products, sweetened with

sugar, and with or without the use of eggs, harmless flavoring or coloring, or added stabilizer composed of wholesome, edible material and which contains not less than ten per centum (10%) by weight of milk fat and not less than eighteen per centum (18%) by weight of milk solids, except that, when there have been added to such product or mixture, fruits, nuts, cocoa or chocolate, maple syrup, cakes or confections for flavoring purposes, the resultant product or mixture shall contain not less than eight per centum (8%) by weight of milk fat, and not less than fourteen per centum (14%) by weight of milk solids.

The term or phrase "ice cream mix" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include the pure, clean, wholesome product of ice cream before it is frozen or placed into a freezer.

The term or phrase "milk sherbet" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include the pure, clean and wholesome frozen product or mixture made from milk products, water and sugar, with or without harmless flavoring or coloring or added stabilizer composed of wholesome, edible material and contains not more than five per centum (5%) of milk solids.

The term or phrase "ice or ice sherbet" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include the pure, clean and wholesome frozen product made from water and sugar with harmless flavoring or coloring, with or without added stabilizer composed of wholesome, edible material and contains no milk solids.

The term or phrase "imitation ice cream" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include adulterated ice cream, or any frozen substance, mixture or compound, regardless of the name under which it is represented, which is made in imitation or semblance of ice cream or is prepared or frozen as ice cream is customarily prepared and frozen and which is not "ice cream" or "milk sherbet" as hereinbefore defined.

The term or phrase "milk products" as used in this section or other sections or regulations pertaining to frozen desserts shall mean and include pure, clean and wholesome cream, milk fat, butter, milk, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk, dried skimmed milk.

(Former §175 repealed July 24, 1923; new §175 adopted July 11, 1933 and amended August 1, 1933).

§176. Frozen dessert and ice cream mix; adulteration or misbranding prohibited.

No person shall bring into the City of New York, manufacture or have, keep, offer for sale or sell in said City, any frozen dessert or ice cream mix that is adulterated or misbranded.

A frozen dessert or ice cream mix shall be deemed adulterated:

- (1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.
- (2) If any inferior or cheaper substance has been substituted wholly or in part for any necessary, wholesome ingredient.
- (3) If any valuable constituent of the article has been wholly or in part abstracted.
- (4) If it consist wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance.
- (5) If it contain any harmful or deleterious ingredient, or any ingredient which may render it injurious to health, or if it contain any antiseptic or preservative.
- (6) If it contain any color or coloring substance other than United States Department of Agriculture certified color, or harmless vegetable color, or if it contain any harmful or deleterious flavoring substance.
- (7) In the case of ice cream or ice cream mix, unflavored or flavored by means of flavoring extracts only, if it contain less than ten per centum (10%) by weight of milk fat or less than eighteen per centum (18%) by weight of milk solids.
- (8) In the case of ice cream, or ice cream mix to which has been added, fruits, nuts, chocolate or cocoa, maple syrup, cakes or confection, for flavoring purposes, if it contain less than eight per centum (8%) by weight of milk fat, or less than fourteen per centum (14%) by weight of milk solids.
- (9) In the case of ice cream or ice cream mix, if it contain more than one-

half per centum ($\frac{1}{2}\%$) by weight of pure, wholesome gelatin, vegetable gum or other harmless stabilizer.

(10) In the case of ice cream labeled, offered for sale or represented as "French Ice Cream" or "Custard" or "Frozen Custard" or any other frozen dessert wherein representation is made that egg or egg product is used, if it contain any artificial yellow color, or color simulating egg yolk, or if it contain a less proportion of clean, wholesome egg yolk solids than the equivalent of five dozen egg yolks to each ninety pounds of other ingredients used.

(11) If it contain any animal, vegetable or mineral oil, grease, fat or wax of any kind other than milk fat, except those naturally contained in the nuts, fruits or eggs used in the manufacture of frozen desserts or ice cream mix, or the fat contained in flavoring extracts prepared in accordance with the standards prescribed by the United States Department of Agriculture for food purposes.

A frozen dessert or ice cream mix shall be deemed misbranded:

(a) If it is an imitation, or offered for sale under the distinctive name of another article, or is labeled or branded so as to deceive or mislead the purchaser.

(b) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly or correctly stated on the outside of the package.

(c) If the package or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular.

(d) In the case of milk sherbet if the container, and each package, box and wrapper does not bear the words "milk sherbet" clearly and conspicuously printed thereon.

The provisions of this section shall apply to "ice cream mix," "milk sherbet" and all other frozen desserts containing milk fat or milk solids held, kept or offered for sale or sold under any distinctive name.

A frozen dessert held, kept or offered for sale or sold as "milk sherbet" which contains more than five per centum (5%) by weight of milk solids and less than ten per centum (10%) by weight of milk fat and less than eighteen per centum (18%) by weight of milk solids if unflavored, or flavored with flavoring extract only, or which contains more than five per centum (5%) by weight of milk solids and less than eight per centum (8%) by weight of milk fat, and less than fourteen per centum (14%) by weight of milk solids, if flavored with fruits, nuts, chocolate or cocoa, maple syrup, cakes or confections, shall be deemed for all purposes to be held, kept, offered for sale or sold as imitation or adulterated ice cream.

(Former §176 repealed July 24, 1923; new §176 adopted July 11, 1933 and amended August 1, 1933).

§177. Frozen dessert; permits regulated.

No person shall bring into or manufacture in the City of New York any frozen dessert, nor shall any person have, keep, offer for sale, sell or transport any frozen dessert at wholesale in said City, without the appropriate permit therefor, as hereinafter mentioned, issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

The aforesaid permits shall be divided into 5 classes, more fully described or defined in the regulations adopted hereunder, as follows:

Class "A" Permit—to manufacture frozen desserts at wholesale.

Class "B" Permit—to manufacture frozen desserts at retail.

Class "C" Permit—to dealer or jobber to sell frozen desserts at wholesale (non-manufacturer).

Class "D" Permit—to bring frozen desserts into the City of New York.

Class "E" Permit—for an additional frozen desserts manufacturing plant and/or frozen desserts depot for a holder of a Class A, C or D permit.

All permits herein mentioned shall expire on the last day of September of each year.

The term or phrase "at wholesale" wherever used in this Section or other Sections or regulations pertaining to frozen desserts shall be taken to mean and include the handling, transporting, delivering, offering for sale or selling frozen desserts to dealers, restaurants, hotels, stores, stands or vehicles, for resale or further distribution, or otherwise than a retail sale direct to consumer.

The term or phrase "Frozen Desserts Manufacturing Plant" shall be taken to

mean and include any space, room or rooms, which are used in the preparation and manufacture of frozen desserts, and all operations incidental thereto.

The term or phrase "Frozen Desserts Depots" wherever used in the Sanitary Code or the regulations thereunder shall be taken to mean and include any space, room, or rooms which are used for the storage, handling, or packing of frozen desserts and all operations incidental thereto, other than the manufacture and preparation thereof.

(To take effect October 1, 1933).

(Former §177 repealed and new §177 adopted July 11, 1933).

§178. Food gelatin; sale of adulterated or misbranded prohibited; the term "food gelatin," "adulterated" and "misbranded" defined.

No person shall bring into, or have, keep, offer for sale, or sell, in the City of New York, any food gelatin which is adulterated or misbranded. The term food gelatin as herein used shall be taken to mean and include a purified product of gelatin prepared from the bones, hides, hoofs, horns and tissues of animals.

Food gelatin as herein defined shall be deemed adulterated:

- (1) If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.
- (2) If any inferior or cheaper substance has been substituted wholly or in part for the article.
- (3) If it consists wholly or in part of diseased or decomposed or putrid or rotten animal or vegetable substance, or if it is a product of a diseased animal.
- (4) If it is colored or coated or powdered whereby damage is concealed or it is made to appear better than it really is.
- (5) If it contains any antiseptic or preservative not evident and not known to the purchaser or consumer.
- (6) If it contains more than thirty (30) parts per million of copper, or one and four-tenth (1.4) parts per million of arsenic, or one hundred (100) parts per million of zinc, or twenty (20) parts per million of lead, or three hundred (300) parts per million of tin, or two one-hundredths of one per cent (.02%) of sulphur dioxide, or any other added poisonous ingredient or any ingredient which may render it injurious to health.

Food gelatin as herein defined shall be deemed misbranded:

- (a) If it is an imitation or offered for sale under the distinctive name of another article.
- (b) If it is labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so; or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.
- (c) If in package form and the contents are stated in terms of weight or measure, such weight or measure is not plainly and correctly stated on the outside of the package.
- (d) If the package or label shall bear any statement, design, or device, regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. (Adopted April 29, 1920.)

§179. Prohibiting the manufacture, sale and distribution of imitation milk and cream.

No person shall sell, or exchange, or offer or expose for sale or exchange, any substance in imitation or semblance of milk or cream which is not milk or cream, nor sell, or exchange, or offer or expose for sale or exchange, any such substance as and for milk or cream, or sell, or exchange, or offer or expose for sale, or exchange, any article or food made from such milk or cream, or manufacture from any such milk or cream any article of food. (Adopted March 24, 1921).

§180. The use of unclean and unsanitary food receptacles prohibited; to be cleaned after being used.

No person shall use, or cause, or allow to be used in the transportation, storage, or delivery of food, intended for human consumption, any bottle, can, jar, box, barrel, or other receptacle which is unfit to be so used by reason of being unclean or unsanitary or in a condition that would tend to cause such food to become poisoned, infected, unwholesome, or unfit for human consumption.

It shall be the duty of all persons having in their possession bottles, cans, jars, boxes, barrels, or other receptacles containing food, intended for human

consumption, which are used or intended to be again used in the transportation, storage, or delivery of such food, to clean or cause them to be cleaned immediately upon emptying. (*Adopted May 26, 1921*).

ARTICLE 10

GENERAL PROVISIONS

Section 181. Misfeasance and nonfeasance.

- 182. Contractors must comply with provisions of the sanitary code.
- 183. Nuisances; conditions dangerous or prejudicial to life or health; duties of persons responsible.
- 184. Regulations and orders; to be observed and obeyed.
- 185. Abatement of nuisances.
- 186. Interfering with or obstructing an inspector.
- 187. False, untruthful, or misleading statements.
- 188. Certificate of chemist; presumptive evidence of facts.
- 189. Notices not to be mutilated or torn down.
- 191. Permits, general provisions, fees.

§181. Misfeasance and nonfeasance.

No person shall, knowingly, or carelessly or negligently, do or contribute to the doing of, any act dangerous to the life or detrimental to the health, of any human being, provided, however, that the foregoing provisions of this section shall not apply to a necessary act authorized by law; nor shall any person omit to do any reasonable and proper act, or take any reasonable or proper precaution, to protect human life and health. (S. C., §8).

§182. Contractors must comply with provisions of the sanitary code.

Every contractor, to whom reference is made in the sanitary code, and every person who shall have contracted or undertaken, or shall be bound, to do, or shall be engaged in doing, any of the things to which any of the provisions of the sanitary code relate, shall comply with all provisions of the said code applying to the work undertaken or to be undertaken, and he shall not be excused for non-compliance with any of the said provisions because of any direction given by any other person. (S. C., §9).

§183. Nuisances; conditions dangerous or prejudicial to life or health; duties of persons responsible.

It is hereby declared to be the duty of every owner, part owner, lessee, tenant, and occupant, of, or person interested in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter, and thing, in the city of New York, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground, or street, in the said city, and of every person, public officer, and department, having charge of any ground, place, building, or erection, in the said city, to keep, place, and preserve the same and the sewerage, drainage, and ventilation thereof in such condition, and to conduct the same in such manner, that it shall not be a nuisance or be dangerous or prejudicial to life or health. The term "building" as used in this section, includes a railway car, booth, tent, shop or other erection or enclosure. (S. C., §10).

§184. Regulations and orders; to be observed and obeyed.

No person shall violate, or refuse or neglect to comply with, any regulation or order of the board of health, made for carrying into effect the provisions of this code, the powers of the said board, or the laws of this state; and the violation of, or the refusal or neglect to comply with, any such regulation or order which relates to the provisions of any section of this code shall be deemed a violation of such section. (S. C., §11).

§185. Abatement of nuisances.

Whenever in any place or on any premises in the city of New York a nuisance shall have been found, or declared by resolution of the board of health to exist, and an order shall have been made directing the owner, lessee, tenant, or

occupant of such place or premises to make suitable and necessary repairs or improvements, or to abate the said nuisance, such repairs or improvements shall be made, and such nuisance shall be fully abated, within the time specified in said order. (S. C., §14).

§186. Interfering with or obstructing an inspector.

No person shall interfere with or obstruct any inspector or other duly authorized representative of the department of health when making the inspections or examinations required by the board of health, or when executing its orders. (S. C., §12).

§187. False, untruthful, or misleading statements.

No person shall knowingly make to, or file with, the Department of Health, or any officer thereof, any false return, statement or report relative to any matter concerning which a report or return may be legally required of, or should be made by, such person; and no person shall make any false, untruthful or misleading statement in any application to, or filed with, the Department of Health or any officer thereof, for a permit or for any purpose for which an application may be required. (S. C., §15; *amended September 13, 1937*).

§188. Certificate of chemist; presumptive evidence of facts.

Every certificate duly signed and acknowledged, of a chemist, analyst, or other expert, employed by the Board of Health of the Department of Health of the City of New York, relating to any analysis, examination, or investigation, made by such chemist, analyst, or expert in respect to any matter, product, or thing, which the said Board has authority to examine or investigate, or may cause to be examined or investigated, shall be presumptive evidence of the facts therein set forth. (S. C., §69a; *amended May 6, 1920*).

§189. Notices not to be mutilated or torn down.

No person shall interfere with or obstruct, mutilate, or tear down, any notice of the department of health posted in or on any premises in the city of New York. (S. C., §137).

§190. Clinical thermometers; sale regulated. (Repealed March 9, 1937).

§191. Permits, general provisions, fees.

(a) A permit issued by the Board or Commissioner of Health pursuant to any provision of the Sanitary Code is issued to a particular individual, firm or corporation and for a designated place of business mentioned in the permit and shall not be valid for use by any other person or at any place other than that for which issued, and any transfer as to person or place shall forthwith revoke and terminate such permit. Provided, however, that upon the approval in writing by the Commissioner of Health, a permit to conduct the business of undertaking, or the business of adding chemicals to the water supply, or the business of fumigation or extermination, or a permit for an owner or employee-fumigant or exterminator operator, may be continued in full force and effect for the period issued at the new designated premises where the place of business or residence designated in the permit has been changed. Upon the approval in writing of the Commissioner of Health, a permit issued to two or more persons may be continued in full force and effect for the period issued where a change of ownership has occurred in which no new person has been added or substituted.

(b) Applications for permits shall be made to the Department of Health upon official forms furnished for such purpose and shall be signed by the applicant and all necessary information required by the Department of Health shall be fully stated in said application. No person shall make any false, untruthful or misleading statement in any application for a permit from the Board or Commissioner of Health or in any papers submitted in support of said application. Every applicant for a permit shall be at least 21 years old.

(c) Every permit must at all times be kept on the premises designated and displayed in a conspicuous place therein, and shall be framed or otherwise protected against dust or dirt, and shall at all times be subject to the inspection of any officer, inspector or representative of the Health Department.

(d) All permits issued by the Board or Commissioner of Health for which an annual fee is required to be paid pursuant to the provisions of this Section,

shall expire annually on a date determined by the Board of Health. All permits issued by the Board or Commissioner of Health without fee shall be, unless otherwise determined by the Board of Health, for an indefinite period until revoked.

(e) A permit may be suspended or revoked at any time by the Board of Health for wilful, continued or persistent violation of the Sanitary Code or the rules and regulations adopted by the Board of Health or upon such other grounds as the Board of Health may deem proper. Whenever a section provides that the permit be issued by the Commissioner of Health, he shall possess the same powers to suspend or revoke such permit, but his action as to the issuance, suspension or revocation thereof shall be subject to review by the Board of Health upon appeal by the party aggrieved in accordance with the Rules of said Board.*

(f) Applicants for the following permits required by the provisions of the Sanitary Code shall pay the annual fee herein stated:

Adding chemicals to water supply	\$25.
Barber shop	10.
Beauty parlor	10.
Blood donor agency	25.
Midwife	2.
Milk and milk products; to sell, all classes	5.
Restaurant	10.
Poultry slaughter house	50.
Undertaking establishment	25.
Fumigant permit	25.
Exterminator permit	15.
Employee—fumigant operator permit	3.
Employee—exterminator operator permit	2.
Class "A" Permit—to manufacture frozen desserts at wholesale	100.
Class "B" Permit—to manufacture frozen desserts at retail	10.
Class "C" Permit—to dealer or jobber to sell frozen desserts at wholesale (non-manufacturer)	25.
Class "D" Permit—to bring frozen desserts into the City of New York	100.
Class "E" Permit—for an additional frozen desserts manufacturing plant and/or frozen desserts depot for a holder of a Class A, C, or D permit	25.

(g) Where a permit for which an annual fee is prescribed herein, is issued at any time within the six months' period prior to the date of expiration thereof, the applicant shall pay only one-half of the annual fee for such permit. This provision, however, shall not apply to permits for the manufacture or sale of frozen desserts or to the renewal of a permit which has heretofore expired, or to any permit for which the fee is less than \$10.

(h) Where any section of the Sanitary Code or the regulations thereunder applying to the particular business or permit mentioned therein contain any provisions inconsistent with this Section, then in such case, the general provisions of this Section shall apply except as to such inconsistent provisions.

(i) Where an establishment engaged in the manufacture and/or sale of articles of food on the same premises requires, under the provisions of the Sanitary Code, more than one permit for which separate fees are provided for in this Section, the applicant shall apply for all said permits but shall pay only one fee, which fee shall be the largest one prescribed for any of said permits. The expiration date of all said permits in such case shall be the same as the expiration date of the permit for which the fee was actually paid.

(j) A permit for a restaurant includes the sale or the preparation and sale of all foodstuffs consumed on the premises.

(Adopted January 11, 1927, amended February 8, 1927, November 25, 1930, December 17, 1931, April 6, 1933, July 11, 1933, October 3, 1933, August 14, 1934, April 9, 1935, March 9, 1937, August 19, 1938, March 14, 1939 and July 26, 1939).

* A copy of these rules may be obtained from the Secretary of the Board of Health.

ARTICLE 11

MIDWIFERY AND CARE OF CHILDREN

Section 196. Practice of midwifery regulated.
 197. Board and care of children regulated.
 198. Agency giving day care to children defined; conduct thereof regulated; permit required.
 199. Vaccination; duties of parents, guardians, and others.
 200. Physical care of school children.
 201. Precautions to be observed by physicians, nurses, midwives or other attendants for the prevention of ophthalmia neonatorum in the eyes of new-born children.

§196. Practice of midwifery regulated.

No person other than a duly licensed physician shall practice midwifery in the City of New York or by a sign or otherwise advertise or hold herself out as a midwife in said city, without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

On and after June 1, 1937 all permits theretofore issued to midwives shall be deemed revoked. Applications for renewal of permits to practice midwifery shall be made in person each year during the month of May but the permit shall be issued as of June 1. (S. C., §184; *amended March 9, 1937*).

§197. Board and care of children regulated.

No person other than a public officer with legal authority so to do, or an institution duly incorporated for the purpose, shall receive, board, or keep, any child under the age of sixteen years without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

Provided, however, that the requirements of this section shall not extend to relatives within the second degree of the parents of such child or children, to legally appointed guardians, to schools and academies meeting the requirements of the Education Law as to compulsory education. (S. C., §191; *amended June 7, 1932*).

§198. Agency giving day care to children defined; conduct thereof regulated; permit required.

No agency giving day care to children shall be conducted in the City of New York without a permit therefor issued by the Board of Health, or otherwise than in accordance with the terms of said permit and with the regulations of said Board.

The term, "Agency giving day care to children," defined. An agency giving day care to children shall mean and include any institution or place, which for compensation or otherwise, receives for temporary guardianship, with or without instruction, during part or all of the day, apart from their parents, three (3) or more children under six (6) years of age, not of common parentage, or which receives for temporary guardianship three (3) or more children under six (6) years of age, as aforesaid, and in addition thereto, any children from six (6) to sixteen (16) years of age, not of common parentage, outside of the hours of attendance in schools under the Education Law as to compulsory education, and shall include all such institutions or places whether known as day nurseries, nursery schools, kindergartens, child play or progressive schools, child education experiment stations, child development institutions, or under any other name.

Such agencies shall be classified as giving full time care or part time care.

Any such agencies which receive children for continuous care for a period extending from before noon and after 1:00 P. M. shall be deemed agencies giving full time care. Any such agencies which receive children for care for periods beginning and ending before 1:00 P. M., or beginning at noon or thereafter and ending later than 1:00 P. M. shall be deemed agencies giving part time care.

This section shall not apply to kindergartens attached to private schools maintained and operated, pursuant to Section 222 of the Sanitary Code and the regulations thereunder, if said school complies with the requirements of the Education Law as to compulsory education.

This Section to take effect September 1, 1935. (S. C., §25; *amended January 18, 1928, and December 26, 1933*).

§199. Vaccination; duties of parents, guardians, and others.

Every person, being the parent or guardian, or having the care, custody, or control, of any minor, or other individual, shall (to the extent of any means, power, and authority of said parent, guardian, or other person that could properly be used or exerted for such purpose) cause such minor or individual to be so promptly, frequently, and effectively vaccinated that such minor or individual shall not take, or be liable to take the small-pox. (S. C., §147).

§200. Physical care of school children.

A health certificate, prepared in accordance with the regulations of the Department of Health and signed by a duly licensed physician authorized to practice medicine in the State of New York, shall be furnished by each pupil at the time of his or her admission to a public or other free school supported in whole or in part by funds obtained from direct taxation.

If any such pupil shall not present a health certificate, as required herein, the principal or teacher in charge of the school shall cause a notice to be promptly sent to the parent, guardian, or other person having the care, custody, or control of such pupil to the effect that, if the required health certificate be not presented within 10 days thereafter, a medical examination of such pupil will be made by a medical inspector of the Department of Health.

Every principal or teacher, in charge of a public or other free school supported in whole or in part by funds obtained from direct taxation, shall report to the medical inspector of the Department of Health having jurisdiction over the health of the pupils in such school the names of all pupils who shall not have furnished such health certificate within 10 days following the date of the sending of such notice. (Amended May 11, 1937).

§201. Precautions to be observed by physicians, nurses, midwives or other attendants for the prevention of ophthalmia neonatorum in the eyes of all new-born children.

It shall be the duty of every physician, nurse, midwife or other person in attendance on a confinement case, to instill in the eyes of the new-born child, immediately after delivery and before the expulsion of the after-birth, a one (1%) per cent solution of nitrate of silver or an equally effective agent in order to prevent the development of ophthalmia neonatorum in the eyes of all new-born children. (Adopted August 10, 1922).

ARTICLE 12

MISCELLANEOUS PROVISIONS

Section 211. Discharge of dense smoke prohibited.

- 212. Nuisance caused by the discharge or escape of cinders, dust, gas, steam, or offensive or noisome odors prohibited.
- 213. Spitting forbidden.
- 214. Use of common towels prohibited.
- 215. Noise from animals and birds prohibited.
- 215a. Loud or excessive noise from radios, etc., prohibited.
- 216. Smoking in subway prohibited.
- 217. Establishment and maintenance of tents and camps regulated.
- 217a. Agencies sending children to camps outside the limits of the City of New York to register; agency defined.
- 217b. Trailer camp defined and regulated; permit required.
- 218. Physicians required to register in the department of health.
- 219. Nurses.
- 220a. Hospitals; all drugs, etc., to be labeled.
- 221. Growth of poison ivy and rag weed prohibited.
- 222. Schools; permits required.
- 223. Finely spun glass products, sale regulated.
- 224. Punishment for violation of the Sanitary Code.
- 225. Heating of occupied buildings.
- 226. Persons to protect nose and mouth when coughing or sneezing.
- 227. Dogs to be controlled so as not to commit nuisances.
- 228. Noise from bells, gongs, etc., prohibited.

229. Automobiles and other motor vehicles; loud and explosive noises prohibited.
230. Manufacture and sale of brushes, cloth or other articles containing horse hair, goat hair, cow hair or sheep wool.

§211. Discharge of dense smoke prohibited.

No person shall cause, suffer or allow dense smoke to be discharged from any building, vessel, stationary or locomotive engine or motor vehicle, place or premises within the city of New York or upon the waters adjacent thereto, within the jurisdiction of said city. All persons participating in any violation of this provision, either as proprietors, owners, tenants, managers, superintendents, captains, engineers, firemen or motor vehicle operators or otherwise, shall be severally liable therefor. (S. C., §181).

§212. Nuisance caused by the discharge or escape of cinders, dust, gas, steam, or offensive or noisome odors prohibited.

The owners, lessees, tenants, occupants and managers of every building, vessel or place in or upon which a locomotive or stationary engine, furnace or boilers are used, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place so that the same shall not accumulate, nor shall any person cause, suffer or allow cinders, dust, gas, steam, or offensive or noisome odors to escape or be discharged from any such building, vessel or place, to the detriment or annoyance of any person or persons not being therein or thereupon engaged. (S. C., §96).

§213. Spitting forbidden.

Spitting upon the sidewalk of any public street, avenue, park, public square, or place in the city of New York, or upon the floor of any hall in any tenement house which is used in common by the tenants thereof, or upon the floor of any hall or office in any hotel or lodging house which is used in common by the guests thereof, or upon the floor of any theatre, store, factory, or of any building which is used in common by the public, or upon the floor of any ferryboat, railroad car, or other public conveyance, or upon the floor of any ferryhouse, depot, or station, or upon the station platform or stairs of any elevated or subway railroad or other common carrier, or upon the tracks or roadbed, or into the street from the cars, stairs, or platforms of such elevated or subway railroads, is forbidden. The corporation or persons owning or having the management or control of any such building, store, factory, ferryboat, railroad car, or other public conveyance, ferryhouse, depot or station, or station platform or stairs of any such building, store, factory, ferryboat, railroad car, or other public conveyance, ferryhouse, depot or station, or station platform or stairs of any elevated or subway railroad or other common carrier, shall keep permanently and conspicuously posted in each of said places a sufficient number of notices forbidding spitting upon the floors and calling attention to the provisions of this section.

It shall be the duty of every owner, lessee, or manager of every factory, workroom, store, office, or place of business, in which ten or more persons are employed, to provide proper receptacles for expectoration. Such receptacles are to be provided in the proportion of one for every two persons so employed, and they are to be cleansed and disinfected at least once in every twenty-four hours.

A copy of the preceding paragraph shall be kept posted in a conspicuous place in every such factory, workroom, store, office, or place of business. (S. C., §178; amended October 15, 1918).

§214. Use of common towels prohibited.

No person, firm, or corporation having the management and control of any factory, department store or other business establishment, school, hotel, theatre, concert hall, restaurant, cafe, or beer, wine, or liquor saloon, railroad station, railroad car, ferryhouse, ferryboat, public lavatory, public wash room, public comfort station, or any other public place, shall maintain therein or thereat any towel or towels for use in common.

The term "for use in common" as employed herein shall be construed to mean, for the use of or intended to be used by, more than one person.

The term "corporation" as used herein shall be construed to mean and include a municipal corporation. (S. C., §190; amended June 30, 1915).

§215. Noise from animals and birds prohibited.

No person owning, occupying, or having charge of any building or premises, shall keep or allow thereon or therein any animal or bird, which shall by noise disturb the quiet or repose of any person therein or in the vicinity, to the detriment of the life or health of such person. (S. C., §180).

§215a. Loud or excessive noise from radios, etc., prohibited.

No person owning, occupying or having charge of any building or premises or any part thereof in the City of New York, shall cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any Radio, Phonograph or other mechanical or electrical sound making or reproducing device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity. (Adopted April 8, 1930).

§216. Smoking in subway prohibited.

Smoking or carrying any lighted cigar, cigarette, or pipe, in or on any stairway, platform, station, or car, of any railway running underneath the ground surface, is hereby prohibited. (S. C., §187).

§217. Establishment and maintenance of tents and camps regulated.

No tent shall be raised or erected or any camp established, in the city of New York, to be used or occupied by any persons as a place for living or sleeping, nor shall any such tent or camp be so used or occupied without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §186).

§217a. Agencies sending children to camps outside of the limits of the City of New York to register; agency defined.

(1) Every agency in the City of New York sending or taking children under 16 years of age out of the City to a camp on vacation for periods of more than one day shall, before sending or taking any such children to a camp, register annually with the Health Department of the City of New York for the current calendar year.

(2) The application for registration by such an agency shall be made upon a form prescribed by the Commissioner of Health and no such application shall be accepted for registration unless there is annexed thereto a certificate from the State Department of Health of the State or of the local health officer where such camp is located, stating:

- (a) The maximum number of children that can be adequately housed and accommodated thereat at one time;
- (b) That there are adequate sanitary facilities for said children;
- (c) That there are facilities for the proper storage of milk and other perishable foods;
- (d) That the camp has a safe water supply; and
- (e) That the camp complies with the local and State health rules and regulations applicable thereto.

(3) The term "agency" as used herein shall be taken to mean any person, corporation, institution, association or agent, whose activities in sending or taking children to vacation camps are supported or maintained from monies received, wholly or in part, from contributions, gifts, trust funds, or sources other than from the parents of the children taken or sent to vacation camps.

(4) This section, as amended, shall take effect immediately, except that for the year 1939 an application for registration may be accepted upon condition that the required certificate from the health authorities will be filed not later than August 1, 1939.

(Adopted June 9, 1922, amended December 27, 1923, April 15, 1936 and June 8, 1939).

§217b. Trailer camp defined and regulated; permit required.

No person shall conduct or maintain a trailer camp in the City of New York without a permit therefor issued by the Board of Health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

"Trailer camp" defined. A trailer camp shall mean and include any premises where one or more automobile trailers or house cars are parked for living or sleeping purposes, or any premises used or held out for the purpose of supplying

to the public a parking space for a trailer or a house car for living or sleeping purposes.

No such permit, however, shall be issued for premises located anywhere within close proximity to a developed section of the city where, in the sound discretion of the Board of Health, the conduct or maintenance of a trailer camp thereat would be dangerous or detrimental to the health of those living or employed in the vicinity thereof, or which would or might tend to create a nuisance, and no such permit shall be issued for any premises without proof of compliance with all laws and rules governing the erection and use of buildings and structures and the parking of motor vehicles on vacant areas in the City of New York. (*Adopted May 10, 1938*).

§218. Physicians required to register in the department of health.

Every physician practicing in the city of New York shall register his or her name and address, and every change of address, in the office of the bureau of records of the department of health. (S. C., §160).

§219. Nurses.

No person, other than one who shall have received from the regents of the University of the State of New York a certificate of his or her qualifications to practice as a registered nurse shall assume the title, registered nurse, or use the abbreviation, R. N., or any other letters or words or figures, to indicate that such person is a registered nurse. No person other than one who shall have graduated after a course of training of not less than 2 years' duration, from a hospital training school for nurses, shall practice as or hold himself or herself out to be or be by anyone held out or represented to be a trained, graduate or certified nurse, or use any letters, words, figures or device to indicate that such person is a trained, graduate or certified nurse. (*Amended March 30, 1915*).

§220. Hospitals regulated; permit required; exception.

(Repealed December 8, 1936).

§220a. Hospitals; all drugs, etc., to be labeled.

No hospital, sanitarium or other institution for the care or treatment of persons, shall have in its possession or upon its premises, any flask, bottle or other container of any solution, drug, medicine, or any substance or preparation having therapeutic properties unless there is securely attached to said flask, bottle or other container a label clearly and legibly stating the name of the solution, drug, medicine or substance having a therapeutic property contained therein, together with the percentage strength of same.

If any such container with its contents is to be heated for the purpose of sterilization or other reasons, then the label hereinbefore referred to, shall be in the form of a metal strip or other incombustible material securely attached in a manner so as to not be affected by the heat applied.

Any such flask or bottle or other container so labeled shall not contain any substance other than that appearing upon the said label.

In every hospital, sanitarium or other institution for the care or treatment of persons, all boric acid in powder or solution not stored or kept in the pharmacy thereof, shall be stored or kept in the medicine cabinet under lock and key especially provided for the purpose and all non-toxic solutions which may be used intravenously or for infusion or hypodermoclysis, shall be stored in a separate closet under lock and key, which closet shall not be used for keeping or storing of any other solutions, drug or substance. Such medicine cabinets and closets shall be in charge of a duly registered nurse. (*Adopted February 28, 1933*).

§221. Growth of poison ivy and rag weed prohibited.

No person owning, occupying, or having charge of any lot or premises in the City of New York shall cause, suffer, or allow poison ivy, rag weed, or other poisonous weed to grow therein or thereon in such manner that any part of such ivy, rag weed, or other poisonous weed shall extend upon, overhang, or border upon any public place, or allow the seed, pollen, or other poisonous particles or emanations therefrom to be carried through the air into any public place. (*Adopted June 30, 1915*).

§222. Schools; permits required.

No school for children, other than those under the jurisdiction of the department of education of the city of New York, shall be established or maintained in

the city of New York without a permit therefor, issued by the board of health, or otherwise than in accordance with the terms of said permit and the regulations of said board. For the purposes of this section, the terms "children" shall be taken to mean and include all human beings under sixteen (16) years of age. The provisions of this section shall take effect September 1, 1916. (Adopted December 21, 1915.)

§223. Finely spun glass products, sale regulated.

No product which in its finished state consists in whole or in part of finely spun glass, or of a similar physical texture, shall be held, kept or offered for sale in the City of New York unless the container in which the product is distributed to the consumer shall have on at least two sides thereof, a warning notice stating that proper protection for the hands should be taken when using this material. The notice shall be legibly and conspicuously printed in clear type with letters of not less than one-eighth ($\frac{1}{8}$) of an inch in height.

(Former §223 renumbered §102 October 22, 1935; new §223 adopted November 10, 1936.)

§224. Punishment for violation of the Sanitary Code.

Any violation of the Sanitary Code of the Board of Health of the Department of Health of the City of New York shall be punished in the manner prescribed by Sections 1740 and 1937 of the Penal Law of the State of New York, Section 558 of the New York City Charter, and Section 564-6.0 of the Administrative Code of the City of New York. (Adopted May 21, 1918 and amended May 10, 1938).

§225. Heating of occupied buildings.

It shall be the duty of every person who shall have contracted or undertaken, or shall be bound, to heat, or to furnish heat for any building or portion thereof, occupied as a home or place of residence of one or more persons, or as a business establishment where one or more persons are employed, to heat, or to furnish heat for every occupied room in such building, or portion thereof, so that a minimum temperature of sixty-eight (68) degrees Fahrenheit may be maintained therein at all such times. Provided, however, the provisions of this section shall not apply to buildings, or portions thereof, used and occupied for trades, businesses, or occupations where high or low temperatures are essential and unavoidable.

For the purpose of this section, wherever a building is heated by means of a furnace, boiler, or other apparatus under the control of the owner, agent, or lessee of such building, such owner, agent, or lessee, in the absence of a contract or agreement to the contrary, shall be deemed to have contracted, undertaken, or bound himself or herself to furnish heat in accordance with the provisions of this section.

The term "at all such times" as used in this section, unless otherwise provided by a contract or agreement, shall include the time between the hours of 6 A. M. and 10 P. M. in a building, or portion thereof, occupied as a home or place of residence, of each day whenever the outer or street temperature shall fall below fifty-five (55) degrees Fahrenheit, and during the usual working hours established and maintained in a building, or portion thereof, occupied as a business establishment, of each day whenever the outer or street temperature shall fall below fifty (50) degrees Fahrenheit.

The term "contract" as used in this section shall be taken to mean and include a written or verbal contract. (Adopted October 17, 1918, amended December 11, 1919, and January 26, 1928).

§226. Persons to protect nose and mouth when coughing or sneezing.

In order to prevent the conveyance of infective material to others, all persons shall, when coughing or sneezing, properly cover the nose and mouth with an handkerchief or other protective substance. (Adopted October 17, 1918).

§227. Dogs to be controlled so as not to commit nuisances.

No person having the right and ability to prevent shall, knowingly, or carelessly or negligently, permit any dog or other animal to commit any nuisance upon any sidewalk of any public street, avenue, park, public square, or place in the city of New York; or upon the floor of any hall of any tenement house which is used in common by the tenants thereof; or upon the fences of any premises, or the walls or stairways of any building, abutting on a public street, avenue,

park, public square, or place; or upon the floor of any theatre, store, factory, or any building which is used in common by the public, including all public rooms or places therewith connected; or upon the floor of any ferry house, depot, or station; or upon the station platform or stairs of any railroad or other common carrier; or upon the roof of any tenement house used in common by the tenants thereof; or upon the floor of any hall, stairway, or office of any hotel or lodging house which is used in common by the guests thereof; nor shall any such person omit to do any reasonable and proper act, or take any reasonable and proper precaution, to prevent any such dog or other animal from committing such a nuisance in, on, or upon, any of the places or premises herein specified. *(Adopted November 4, 1918).*

§228. Noise from bells, gongs, etc., prohibited.

No person shall cause, suffer or allow to be attached to, or maintained in or upon any building or premises any bell or gong, which shall by noise disturb the quiet or repose of persons in the vicinity thereof, to the detriment of the repose or health of such persons. All persons participating in the violation of this provision, either as proprietors, owners, tenants, managers or superintendent of such building or premises, or licensees or licensors of such electric bell or gong, or otherwise, shall be liable therefor. *(Adopted August 20, 1919).*

§229. Automobiles and other motor vehicles; loud and explosive noises prohibited.

Every automobile, or other vehicle equipped with a gasoline or other internal combustion engine in which gas is generated or used for the purpose of propulsion, shall be constructed so that the exhaust from such engine is made to discharge into a muffler or other device which will prevent loud or explosive noises; and no person having the management and control of any such automobile or vehicle, or operating the engine thereof, shall cause, permit, suffer or allow the exhaust from such engine to discharge into the open air, or otherwise than into a muffler or other device which would prevent loud or explosive noises.

No person having the management and control of any such automobile or vehicle, or operating the engine thereof, shall use a horn or other device for signalling except in a reasonable manner as a danger warning, nor shall any such person produce or cause, suffer or allow to be produced by means of such horn or other signalling device, a sound which shall be unnecessarily loud or harsh or which shall continue for an unnecessary and unreasonable period of time. *(Adopted December 17, 1919; and amended July 25, 1921).*

§230. Manufacture and sale of brushes, cloth or other articles containing horse hair, goat hair, cow hair or sheep wool.

(a) No person shall bring into or manufacture in the City of New York, or offer for sale, sell, deliver or give away in said City any brush made of horse hair, goat hair, cow hair or sheep wool, unless the said hair or wool has been sterilized in accordance with the regulations of the Board of Health, and the brush is permanently and legibly marked or branded with the word, "Sterilized," together with the name and address of the manufacturer. Provided, that where the manufacturer or importer of brushes registers with the Department of Health his trade-mark or other distinctive identification mark in accordance with the regulations of the Board of Health, then in lieu of the requirement of the word "Sterilized" and the name and address of the manufacturer, such trade-mark or other distinctive identification mark may be permanently and legibly marked or branded upon any such brush.

(b) No person shall bring into the City of New York or offer for sale, sell, deliver or give away any horse hair, goat hair, cow hair or sheep wool, unless the package, bundle or other container bear a label or tag securely attached thereto legibly and conspicuously stating whether the hair or wool contained therein has or has not been sterilized in accordance with the regulations of the Board of Health in the following manner:

1. If sterilized—the words "The (hair or wool) contained herein has been sterilized pursuant to the regulations of the Board of Health of the City of New York."

2. If not sterilized—the words "The (hair or wool) contained herein must be sterilized before using."

(c) No person shall use in the manufacture of cloth or other article any horse hair, goat hair, cow hair or sheep wool, unless the same has been sterilized

in accordance with the regulations of the Board of Health.

(d) No person shall bring into or manufacture in the City of New York, or have, keep, offer for sale, sell, deliver or give away in the City of New York any shaving brush in which horse hair is used in whole or in part.

The provisions of this Section shall take effect immediately, but shall not apply to brushes in stock on the 1st day of October, 1933, in the hands of dealers which have not been labeled or branded as hereinbefore required. (Adopted June 16, 1920, and amended July 11, 1933).

§230a. Bacterial rat poisoning, sale, manufacture and use of, prohibited.

(Repealed December 1, 1931).

ARTICLE 13

OFFENSIVE MATERIALS

Section 231. Offensive water or other liquid or substance; not permitted on premises or grounds.

232. Offensive matter or substances; accumulation thereof not to be disturbed in certain periods of year; permit required.
233. Stinking, noxious liquids; not to fall into or upon any public place.
234. Blood, butchers' offal or garbage, dead animals, and putrid or stinking animal or vegetable matter; disposal restricted.
235. Contents of vaults, privies, cisterns, cesspools, and sinks; creation of nuisances prohibited.
236. Disinfection and removal of contents of sinks, privies, vaults, and all other noxious substances.
237. Vaults, sinks, privies, and cesspools; use thereof limited.
238. Transportation of garbage on boats and scows to Barren Island regulated.
239. Transportation of offal and butcher's refuse regulated.
240. Transportation of manure, swill, ashes, garbage, and offal regulated.
241. Collection and transportation of bones, refuse, and offensive materials regulated.
242. Accumulations of manure, offal, garbage, and other offensive and nauseous substances retention and disposal regulated.
243. Removal of dead or diseased animals and filthy, offensive, and noxious substances regulated.
244. Carts, vehicles, and implements to be kept in an inoffensive and sanitary condition; use of same regulated.
245. Ships, boats, and other vessels; not allowed at dock or pier unless permitted.
246. The use of docks, piers, and bulkheads regulated.
247. Refuse from oyster-houses, oyster-saloons, and other premises; method of disposal of refuse regulated; nuisance prohibited.
248. Ashes, garbage, and liquid substances; separate receptacles to be provided; duties of owners, lessees, and agents; removal; special provisions applicable to borough of Richmond.
249. Receptacles for ashes, garbage, and liquid substances not to be interfered with or contents disturbed.
250. Ashes, garbage, and rubbish; method of removal regulated.
251. Vacant lots; accumulation of water thereon prohibited; fence to be provided, if sunken; throwing and depositing offensive material into such lots prohibited.
252. Filling in land; offensive and unwholesome materials not to be used; the use of street sweepings for filling in purposes forbidden.
253. Lime, ashes, coal, dry sand, hair, feathers, like substances, and other materials not to be sieved, agitated, or exposed.

§231. Offensive water or other liquid or substance; not permitted on premises or grounds.

No person or corporation shall permit or have any offensive water or other liquid or substance on his, her, or its, premises or grounds to the prejudice of life or health, whether for use in any trade or otherwise. (S. C., §88).

§232. Offensive matter or substances; accumulations thereof not to be disturbed in certain periods of year; permit required.

No ground or material filled with or containing offensive matter or substance, or that will emit or allow to arise through or from the same any offensive smell or deleterious exhalation, shall (adjacent to or within the built-up portion of the city of New York) be opened or turned up, nor shall the surface thereof be removed, between the first day of May and the first day of October of any year, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §99).

§233. Stinking, noxious liquids; not to fall into or upon any public place.

No swill, brine, urine of animals, or other offensive animal matter, or any stinking or noxious liquid, or other filthy matter of any kind, shall by any person be allowed to run or fall into or upon any street or public place, or be taken or put therein. (S. C., §102).

§234. Blood, butcher's offal or garbage, dead animals, and putrid or stinking animal or vegetable matter; disposal restricted.

No blood, butcher's offal or garbage, or any dead animal, or any putrid or stinking animal or vegetable matter, shall be thrown by any person or allowed to go into any street, place, sewer, or receiving basin, any river or standing or running water or excavation, or any ground or premises in the built-up portions of the City. (S. C., §103).

§235. Contents of vaults, privies, cisterns, cesspools, and sinks; creation of nuisances prohibited.

No person shall deposit, or allow to run or go into or remain in any street or other public place in the city of New York, or deposit, or allow to run or go (except through the proper underground sewers) into any river or other body of water within the territorial limits of the said city, the contents (or any part thereof) of any vault, privy, cistern, cesspool, or sink; nor shall any owner, tenant, or occupant, of any building to which any vault, sink, privy, or cesspool shall pertain or be attached, permit the contents, or any part thereof, to flow therefrom or to rise within 2 feet of any part of the top thereof, or said contents to become offensive; nor shall any vault, privy, cistern, cesspool, or sink be filled or covered with dirt until it shall have been emptied of its filthy contents. (S. C., §104).

§236. Disinfection and removal of contents of sinks, privies, vaults, and all other noxious substances.

All putrid or offensive matter, all night soil, the contents of all sinks, privies, vaults, and cesspools, and all noxious substances, shall, before their removal or exposure, be disinfected and rendered inoffensive by the owner, lessee, or occupant of the premises where the same may be, or by the person or contractor who removes or is about to remove the same; and no part of the contents of any vault, privy, sink, or cesspool shall be removed without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §122).

§237. Vaults, sinks, privies, and cesspools; use thereof limited.

No person shall throw or deposit into any vault, sink, privy, or cesspool, any offal, ashes, meat, fish, garbage, or other substance except that of which any such place is the appropriate receptacle. (S. C., §105).

§238. Transportation of garbage on boats and scows to Barren Island regulated.

No boat, scow, or other receptacle, used in transporting garbage to Barren Island or the place of disposal shall be permitted to remain moored or be at any dock, wharf, or place, within the limits of the city of New York, for a longer period than 24 hours from the time when garbage is first delivered or placed thereon. Garbage shall be received on and transported in such boat, scow, or other receptacle in a manner approved by the board of health and not otherwise. (S. C., §123).

§239. Transportation of offal and butcher's refuse regulated.

No offal or butcher's refuse or garbage shall be conveyed through any street or avenue or over any ferry in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

No offal or butcher's refuse shall be brought into the city of New York. (S. C., §87).

§240. Transportation of manure, swill, ashes, garbage, and offal regulated.

No person shall engage in the business of transporting manure, swill, ashes, garbage, offal, or any offensive or noxious substance, or drive any cart for such purpose, in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §119).

§241. Collection and transportation of bones, refuse, and offensive materials regulated.

No person shall gather, collect, accumulate, store, expose, carry, or transport in any manner through any street or public place, or into any building or cellar, in the city of New York, any bones, refuse, or offensive material without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §101).

§242. Accumulations of manure, offal, garbage, and other offensive and nauseous substances; retention and disposal regulated.

No pile, deposit, or accumulation of manure, offal, dirt, or garbage, or any offensive or nauseous substance, shall be made within the built-up portions of the city of New York, or on or upon the piers, docks, or bulkheads adjacent thereto, or on or upon any vessel, boat, or scow, lying at such pier, wharf, or bulkhead; nor shall such pile, deposit, or accumulation be made anywhere in said city within 300 feet of any church or place of worship, or inhabited dwelling, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board; and no person shall contribute to the making of any such pile, deposit, or accumulation without such a permit or otherwise than in accordance with the terms of such permit and the regulations of said board; nor shall any car loaded with or having in or on it any such substance or substances be allowed to remain or stand on any railroad track, street, or highway, within 300 feet of any inhabited dwelling, or elsewhere in said city, nor shall any vessel, boat, scow, or float, loaded with any such substance or substances be allowed to remain at any pier, dock, or bulkhead in said city, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board; and no manure, garbage, or other material that is liable to emit an offensive exhalation shall, in or adjacent to the built-up portions of the city of New York, be turned or stirred, except in its removal, in such a way as to increase such exhalations by reason thereof; nor shall any straw, hay, or other substance, which has been used as bedding for animals, be placed or dried upon any street or sidewalk, or roof of any building; nor shall any such straw, hay, or other substance, or the contents of any mattress or bed, be deposited or burnt without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §111).

§243. Removal of dead or diseased animals and filthy, offensive, and noxious substances regulated.

It shall be the duty of every person (his agents and employees) who has contracted or undertaken to remove any diseased or dead animal, offal, rubbish, garbage, dirt, street-sweepings, night soil, or other filthy, offensive, or noxious substance, or is engaged in any such removal, or in loading or unloading any such substance, to do the same with dispatch, and, in every particular, in as cleanly and inoffensive a manner, and with as little danger and prejudice to life and health, as possible, and no matter or material shall lie piled up, or partially raked together, in any street or place, before the removal thereof, more than a reasonable time, or for more than 4 hours, under any circumstances, in the day time. (S. C., §114).

§244. Carts, vehicles, and implements to be kept in an inoffensive and sanitary condition; use of same regulated.

No cart or other vehicle used for carrying or containing any manure, swill, garbage, offal, or rubbish, or other nauseous or offensive substance, or the contents of any privy, vault, cesspool, or sink, shall, without necessity therefor, be allowed to stand or remain before or near any building, place of business, or other premises, where any person may be; nor shall the loading or unloading of any such cart or vehicle or the conveying thereof through any street, place, or premises consume an unreasonable period of time. Such carts, vehicles, and all implements used in connection therewith must be kept in an inoffensive and sanitary condition, and, when not in use, shall be stored and kept in some place where no needless offense shall be given to any of the people of the City of New York. Any cart or other vehicle used for carrying or containing a dead animal shall be equipped with a cover to conceal such animal from view while the same is being transported for final disposition. (S. C., §120; amended March 20, 1934).

§245. Ships, boats, and other vessels; not allowed at dock or pier unless permitted.

No ship, boat, or other vessel shall be taken or allowed by any person to come into, or lay at or within, any dock, pier, bulkhead, or slip, for the purpose of the shipment or removal of any offal, garbage, rubbish, blood, or offensive animal or vegetable matter, dirt, or dead animals, or for the use of any contractor for the removal of any of the foregoing substances, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §115).

§246. The use of docks, piers, and bulkheads regulated.

No person shall obstruct, delay, or interfere with the proper and ready use, for the purposes for which they may be and should be set apart and devoted, of any dock, pier, or bulkhead by any contractor or person engaged in removing any offal, garbage, rubbish, dirt, dead animal, night soil, or other like substances, or with the proper performance of such contracts. (S. C., §113).

§247. Refuse from oyster-houses, oyster-saloons, and other premises; method of disposal of refuse regulated; nuisances prohibited.

Every proprietor, lessee, tenant, and occupant of any oyster-house, oyster-saloon, or other premises where any oysters, clams, lobsters, or shell or other fish are consumed, used, or sold, or where any of the refuse matter, offal, or shells thereof accumulate shall daily cause all such shells, offal, and refuse matter to be removed therefrom to some proper place, and shall keep such house, saloon, or premises at all times free from any offensive smells or accumulations. (S. C., §112).

§248. Ashes, garbage, and liquid substances; separate receptacles to be provided; duties of owners, lessees, and agents; removal; special provisions applicable to borough of Richmond.

It shall be the duty of every owner, tenant, lessee, occupant, or person in charge of any and every building to provide and cause to be kept and provided, within and for the exclusive use of such building, or part thereof separate receptacles, made of metal, for holding, respectively, without leakage, all ashes, garbage, refuse and liquid waste substances, that may accumulate, during sixty consecutive hours, in or through the use of such building, or part thereof.

Every owner, tenant, lessee, occupant, or person in charge of any such building shall cause to be separated and put into their respective receptacles all such materials and substances; but no such receptacle shall be filled to a greater height than a line within such receptacle four inches from the top thereof, nor shall any such receptacle, when so filled, contain more than two cubic feet of material, nor weigh more than one hundred pounds; and every such receptacle shall be kept, at all times, in a condition satisfactory to the Street Cleaning Department or the Department of Health.

Such receptacles shall be kept within the building, or in the rear premises therewith connected, until the time for the removal of such substances, when such receptacles shall be placed in the area, or within the fence or other enclosure, in front of such building, or, such receptacles may be placed on the sidewalk close to such building; all such receptacles shall remain so placed until the contents thereof shall have been removed by the Street Cleaning Department, im-

mediately after which, such receptacles shall be returned to such building, or to the rear premises therewith connected; and every garbage refuse or liquid waste receptacle shall be kept, at all times, covered with a tight fitting cover.

Newspapers, wrapping-paper, or other light refuse and rubbish likely to be blown or scattered about the streets, shall be securely bundled, tied, or packed, before being placed for removal; and such newspapers, wrapping-paper, and other light refuse and rubbish, as well as all other refuse and rubbish, shall be kept within the building, or in the rear premises therewith connected, until the time for the removal thereof, when they shall be placed as the receptacles hereinbefore mentioned are required, by the provisions of this section, to be placed.

No such receptacle or refuse or rubbish shall, however, be so placed as to constitute or contribute to the creation of a nuisance; and no yard sweepings, hedge cuttings, grass, leaves, earth, stone, bricks, or business waste shall be mixed with household waste.

Accumulations of household ashes, garbage, refuse or rubbish resulting from the failure to take advantage of the regular collection service shall be removed at the expense of the person or persons concerned.

In the Borough of Richmond, ashes shall be kept apart from the remainder of the household waste and in a receptacle, or receptacles, made of metal, which shall be used only for holding such ashes; all other household waste, including garbage, sweepings, soiled paper, refuse, and rubbish, shall be placed in a separate metal receptacle, or receptacles, which shall be kept covered with a tight fitting cover. (S. C., §108; *amended May 10, 1927*).

§249. Receptacles for ashes, garbage, and liquid substances not to be interfered with or contents disturbed.

No person, not for that purpose authorized, shall interfere with the receptacles for ashes, garbage, or liquid substances, as provided in accordance with §248 of the sanitary code, or with the contents thereof; nor shall any person in any way handle or disturb such contents. (S. C., §109).

§250. Ashes, garbage, and rubbish; method of removal regulated.

All occupants so preferring may deliver their ashes, garbage, refuse, and rubbish directly to the proper carts, to be taken away at any hour of the day when said carts may be present, and said carts may take such articles and substances at any such hour; provided that such garbage, refuse, or rubbish be not highly filthy or offensive. In the latter case, the same shall not be so delivered or received during the period beginning at 7 o'clock a. m., of any day and ending at 10 o'clock of the evening of the same day. (S. C., §110).

§251. Vacant lots; accumulation of water thereon prohibited; fence to be provided, if sunken; throwing and depositing offensive material into such lots prohibited.

It shall be the duty of every owner, lessee, contractor, or other person having the management or control of any lot or parcel of land in the City of New York, to keep and preserve the same, at all times, clean and inoffensive; and to prevent the gathering or collecting of water, or accumulation of rubbish or refuse thereon; and to provide and maintain around or in front of any lot which is sunken, excavated, or below the grade of the sidewalk adjacent thereto, a proper fence to protect persons from falling into such lot.

No person shall throw or deposit into or upon any lot any garbage, refuse, or other offensive material. (S. C., §116; *amended Sept. 23, 1930*).

§252. Filling in land; offensive and unwholesome materials not to be used; the use of street sweepings for filling-in purposes forbidden.

No person shall fill in any land under or above water within the limits of the City of New York, or any of the islands situated within such limits, with garbage, dead animals or any parts thereof, decaying matter, or any offensive and unwholesome material, or with dirt, ashes, or other refuse, when mixed with such garbage, dead animals or parts thereof, decaying matter or offensive and unwholesome material. (S. C., §98; *amended March 30, 1937*).

§253. Lime, ashes, coal, dry sand, hair, feathers, and like substances, and other materials not to be sieved, agitated, or exposed.

No lime, ashes, coal, dry sand, hair, feathers, or other substance that is in a similar manner liable to be blown by the wind, shall be sieved, agitated, or ex-

posed, nor shall any mat, carpet, or cloth be shaken or beaten, nor shall any cloth, yarn, garment, material, or substance be scoured, cleaned, or hung, nor shall any rags, damaged merchandise, barrels, boxes, or broken bales of merchandise or goods, be placed, kept, or exposed in any place where they or particles therefrom will pass into any street or public place, or into any occupied premises; nor shall any usual or any reasonable precautions be omitted by any person to prevent fragments or other substances from falling, to the detriment or peril of life or health, or dust or light material flying into any street, place, or building, from any building or erection, while the same is being altered, repaired, or demolished, or otherwise. In demolishing any building or part thereof, the material to be removed shall be properly wet in order to lay dust incident to its removal. (S. C., §118; *amended September 13, 1938*).

ARTICLE 14

PLUMBING, DRAINAGE AND SEWERAGE

Section 271. Drainage; duties of owners, lessees, tenants, and occupants of buildings and premises.

272. Drainage of marsh land.

273. Sewers; to be adequately flushed; duties of boards, departments, officers and persons.

274. Sewage, drainage, factory refuse, and foul offensive liquid or material; disposal thereof, regulated and restricted.

275. Change in drainage, sewerage, and sewer connection affecting other premises regulated.

276. Drains, soil-pipes, passages, or connections between sewers and buildings; to be adequate.

277. Plumbing and gas piping; to be kept in good order and repair.

278. Plumbing fixtures; to be separately trapped.

279. Drain, soil, and waste pipes, joints and connections.

280. Drain pipes from refrigerators; to discharge into open sink, exceptions; discharge from overflow pipe regulated.

281. Waste, soil, and vent pipes; to be constructed and located so as not to contribute to the creation of a nuisance.

282. Ventilation of sewers and plumbing.

283. Rain water leaders and gutters; use restricted; to be sound, tight and adequate.

284. Privies and water closets; maintenance.

285. Temporary privies; to be provided during construction work.

286. Privies to be screened to prevent access of flies.

287. Privy vaults and cesspools; construction.

288. Master plumbers; license and metal plates required; fees.

§271. Drainage; duties of owners, lessees, tenants, and occupants of buildings and premises.

No person being owner, lessee, tenant, or occupant of any building or premises, shall allow any water or other liquid to run from or out of such building or premises upon or across any sidewalk or curbstone, and no such substance shall be allowed to pass into any street except by means of a passage constructed under or through, which passage must be kept at all times adequate and in repair; and no water or other liquid, or ice therefrom, shall be allowed to gather or remain on the upper surface of such curb, flag-stone, or passage; nor shall any such person allow any accumulation of such water or liquid, or the ice therefrom, upon any street or place, but shall at all times cause the same to be removed or to pass along the gutter or some proper passage to one of the rivers or into a sewer. (S. C., §40).

§272. Drainage of marsh land.

It shall be the duty of every owner, lessee, agent, contractor, or other person having the management or control of any salt marsh land, inland swamp, sunken lot, abandoned excavation, or any other place wherein or whereon either salt or fresh water becomes stagnant and in which said stagnant water mosquitoes are bred and developed, to fill in or drain the same, or employ such other methods as will prevent at all times the breeding of mosquitoes in or on such places.

§273. Sewers; to be adequately flushed; duties of boards, departments, officers, and persons.

It shall be the duty of all boards, departments, officers, and persons having power and authority so to do or require (and to the extent thereof) to cause sufficient water to be used, and other adequate means to be taken, so that whatever substances may enter any sewer shall pass speedily along and from the same and sufficiently far into some water or proper reservoir, in order that no accumulations shall take place therein, and no exhalations proceed therefrom, dangerous or prejudicial to life or health. (S. C., §28).

§274. Sewage, drainage, factory refuse, and foul or offensive liquid or other material; disposal thereof regulated and restricted.

No person, persons, company, or corporation shall cause, permit, or allow any sewage, drainage, factory refuse, or any foul or offensive liquid or other material to flow, leak, escape, or be emptied or discharged, into the waters of any river, stream, canal, harbor, bay, or estuary, or into the sea, within the limits of the city of New York, excepting under low-water mark, and in such manner and under such conditions that no nuisance can or shall be caused thereby or as a result thereof. (S. C., §38).

§275. Change in drainage, sewerage, and sewer connection affecting other premises regulated.

No change shall be made in the drainage, sewerage, or the sewer connection of any house or premises, involving changes in the drainage, sewerage, or sewer connection of any other house or premises, unless at least 30 days' notice thereof in writing shall have been previously given to this department, and to the owner or occupant of the premises affected by such change. (S. C., §27).

§276. Drains, soil-pipes, passages, or connections between sewers and buildings; to be adequate.

Every person using, making, or having any drain, soil-pipe, passage, or connection between any sewer (or any river or other body of water) and any ground, building, erection, or place of business, every owner or tenant of any such ground, building, or erection or place of business, and every person, board, department, or officer occupying or interested in, any such ground, building, erection, or place of business, shall, to the extent of the right and authority of each, cause and require such drain, soil-pipe, passage, or connection to be at all times adequate for the purpose of conveying and allowing, freely and entirely, to pass whatever enters or should enter the same. (S. C., §27).

§277. Plumbing and gas piping to be kept in good order and repair.

All house drains, house sewers, waste and soil pipes, traps and water and gas pipes, in any building or premises shall at all times be kept in good order and repair so that no gases or odors shall escape therefrom and so that the same shall not leak, and every owner, agent, lessee or other person having the management or control of any building wherein manufactured gas is used for lighting, cooking or heating purposes shall maintain in the said building a system of gas pipes of a size sufficient to furnish and supply an adequate volumetric flow of manufactured gas to all such lighting, cooking and heating fixtures or appliances used or intended to be used in the said building or premises; and all vent pipes shall be kept in good order and repair and free from obstructions. (S. C., §32; amended Nov. 9, 1926).

§278. Plumbing fixtures; to be separately trapped.

Every water-closet, urinal, sink, basin, wash-tray, and bath, and every tub or set of tubs and hydrant waste pipe, must be separately and effectively trapped, except where a sink and wash tubs immediately adjoin each other, in which case the waste pipe from the tubs may be connected with the inlet side of the sink trap. Traps must be placed as near the fixtures as practicable, and in no case shall a trap be more than 2 feet from the fixture. In no case shall the waste from a bath tub or other fixture be connected with a water-closet trap, nor shall any trap vent pipe be used as a waste or soil pipe. (S. C., §33).

§279. Drain, soil, and waste pipes; joints and connections.

All joints in cast iron drain, soil, and waste pipes must be filled with oakum and lead and be hand caulked, so as to make them gas-tight. All connections of

lead with iron pipes must be made with a brass sleeve or ferrule of the same size as the lead pipe, put into the hub of the branch of the iron pipe, and caulked with lead; and the lead pipe must be attached to the sleeve or ferrule by a wiped or overcast joint. All connections of lead waste and vent pipes shall be made by means of wiped joints, and all connections of galvanized wrought iron pipe shall be made with screw joints. (S. C., §31).

§280. Drain pipes from refrigerators; to discharge into open sink, exceptions; discharge from overflow pipe regulated.

No drain pipe from a refrigerator shall be connected with the soil or waste pipe, but it shall discharge into a properly trapped, sewer-connected, open sink which shall be kept properly cleansed, except where another method of drainage has been approved by the Department of Health. Provided, however, that the drain pipe from an ice-box or other refrigerated container using ice, which has a food storage capacity not greater than five (5) cubic feet, may discharge into a pail or other water-tight receptacle.

No overflow pipe from a water-tank on the roof shall discharge into any soil or waste pipe, or water-closet trap, or into the drain or sewer, but it may discharge upon the roof or into a properly trapped, sewer-connected, open sink. (S. C., §34; *amended May 12, 1936, and June 9, 1936*).

§281. Waste, soil, and vent pipes; to be constructed and located so as not to contribute to the creation of a nuisance.

All waste, soil, and vent pipes in any building in the city of New York shall extend above the roof thereof to a height of at least 2 feet, and that portion of the pipe extending above the roof shall be of an increased diameter. All such pipes shall be so constructed and located that they shall not contribute to the creation of a nuisance. (S. C., §36).

§282. Ventilation of sewers and plumbing.

No brick, sheet metal, or earthenware, material or chimney flue shall be used as a sewer ventilator, or to ventilate any trap, drain, soil, or waste pipe. (S. C., §29).

§283. Rain water leaders and gutters; use restricted; to be sound, tight, and adequate.

Rain water leaders and gutters shall be sound, tight, and adequate for their purpose and such leaders shall not be used as soil, waste, or vent pipes, or be connected therewith; nor shall any soil, waste, or vent pipe be used as a leader. When within the house, the leader must be of cast iron, wrought iron, or steel, with leaded joints and properly connected with the house drain; when outside of the house and connected with the house drain, it must be trapped beneath the ground or just inside of the wall, the trap being arranged in either case so as to prevent freezing. In every case where a sewer or cesspool connected leader opens near a window or a light-shaft, it must be properly trapped at its base. The joint between a cast iron leader and the roof must be made gas and water tight by means of a brass ferrule and a lead or copper pipe properly connected. (S. C., §35).

§284. Privies and water-closets; maintenance.

Every owner, lessee, keeper, or manager of any boarding-house, lodging-house, dwelling-house, and any factory, workroom, store, office, or place of business, in which persons are employed, shall provide, or cause to be provided, for the use of the tenants, boarders, lodgers, dwellers or employees therein adequate privies or water-closets, and the same shall be properly lighted and ventilated, and shall at all times be kept in such cleanly and sanitary condition, as not to be offensive or dangerous or detrimental to life or health. And no offensive smell or gases, from any outlet or sewer, or from any such privy or water-closet, shall be allowed to pass into any other part of said house, building, or premises, or into any other house, building, or premises. (S. C., §20).

§285. Temporary privies; to be provided during construction work.

Contractors or builders shall provide or cause to be provided temporary privies for the use of the men employed during construction work, at some convenient place upon the premises, or which shall be readily accessible, and the same shall be properly screened to prevent the entrance of flies thereto. The

contents of such privies shall be disinfected and removed, and shall not be allowed to accumulate thereat. Contractors, builders, or other persons having the management and control of construction work shall prevent the commission of any nuisance by workers, employees, or other persons connected therewith, in and about such work or premises, and require workers and employees to use the privies so provided. (S. C., §37a).

§286. Privies to be screened to prevent access of flies.

It shall be the duty of each owner, lessee, or occupant of any premises on which a privy is located or used to cause the same to be properly screened so that flies shall not have access thereto or to the contents thereof. (S. C., §37a).

§287. Privy vaults and cesspools; construction.

No privy vault or cesspool shall be allowed to remain on any premises, or built, in the city of New York unless when unavoidable. The sides and bottom of every privy vault, cesspool, or "school sink," in the city of New York, must be impermeable and secure against any saturation of the walls or the ground above the same, unless otherwise allowed by a permit in writing issued therefor by the board of health and must then be used in accordance with the terms of said permit and the regulations of said board. No water-closet or privy vault shall be constructed without adequate provision for the effectual and proper ventilation and cleansing thereof. (S. C., §37).

§288. Master plumbers; license and metal plates required; fees.

No person shall in this city engage in or by a sign or otherwise advertise or hold himself out as engaged in the trade, business or calling of a master plumber without a master plumber's license issued by the commissioner of health, and a "licensed plumber" metal plate issued by the commissioner of health for the premises where such trade, business or calling is carried on.

Persons applying for a master plumber's license shall pay to the commissioner of health a fee of five dollars (\$5.00) for such license in addition to the fees prescribed for "licensed plumber" metal plates issued pursuant to section 45b of the general city law.

A certificate of competency issued by the former examining board of plumbers, unless revoked by the commissioner of health, shall for all purposes herein constitute a master plumber's license. (Adopted Oct. 13, 1936).

ARTICLE 15

RAILROAD CARS AND OTHER PUBLIC VEHICLES

Section 301. Public vehicles and other public places; to be cleaned daily.

- 302. Railroad cars and other public vehicles; carrying or conveying soiled or dirty clothing restricted.
- 303. Railroad cars and other public vehicles; to be adequately and sufficiently ventilated.
- 304. Heating.
- 305. Lighting.

§301. Public vehicles and other public places; to be cleaned daily.

Every railroad car, omnibus, and ferryboat, used in the city of New York for carrying passengers, and every railroad depot, railroad station, railroad platform, and ferryhouse, and every public room or space connected therewith, and every stairway and other means of entrance thereto or exit therefrom, shall, on each and every day on which it shall be used, be carefully and thoroughly cleaned so that all refuse, dirt, and filth are removed therefrom, in such manner as to avoid the raising of dust. Dry sweeping is prohibited. (S. C., §173; amended May 31, 1916, June 28, 1916, December 16, 1916 and October 15, 1918).

§302. Railroad cars and other public vehicles; carrying or conveying soiled or dirty clothing restricted.

No person shall at any time carry or convey upon or in any passenger car or other public vehicle, nor shall any conductor or person in charge of such car or other public vehicle, permit or allow to be carried or conveyed upon or in such car or other public vehicle, except upon or on the front platform thereof, any

soiled or dirty articles of clothing or bedding. (S. C., §174; *amended Dec. 16, 1916*).

§303. Railroad cars and other public vehicles; to be adequately and sufficiently ventilated.

Every railroad car and other public vehicle used in the city of New York for carrying of passengers shall be constructed so as to provide and secure, at all times, good, adequate and sufficient ventilation, and such good, adequate and sufficient ventilation shall be maintained at all times by natural or mechanical means. (S. C., §175; *amended Dec. 16, 1916*).

§304. Heating.

Every railroad car and other public vehicle, and every ferryboat, used in the city of New York for carrying passengers, and every depot, station, ferryhouse, and waiting room used in connection with such means of transit, shall, between the first day of October of each year and the first day of April of each following year, be properly heated and kept heated whenever the temperature upon the street shall fall below forty degrees Fahrenheit. (Amended Dec. 16, 1916).

§305. Lighting.

Every railroad car and other public vehicle, and every ferryboat used in the city of New York for carrying passengers, and every depot, station, ferryhouse, waiting room and other public place or premises used in connection with such means of transit shall be at all times adequately lighted, by natural or artificial means. (Adopted Dec. 16, 1916).

§306. Cars not to be overcrowded. (Annulled March 28, 1918).

§307. Public vehicles not to be overcrowded. (Annulled March 28, 1918).

STREET CONDITIONS

ARTICLE 16

Section 311. Method of cleaning streets regulated.
 312. Street obstructions prohibited.
 314. The use of horse watering troughs prohibited.
 315. Throwing refuse into streets and vacant lots and interfering with sanitation employees prohibited.
 316. Interference with refuse placed for collection prohibited.
 317. Spilling or scattering of vehicle contents prohibited.
 318. Handbills, cards and circulars.

§311. Method of cleaning streets regulated.

Every person, when cleaning any street, shall clean, and every contractor shall cause to be cleaned, the gutters and parts of the street along which the water will run, before using any water to wash the same; and no substance that could be before scraped away shall be washed or allowed to be carried or be put into the sewer, or into any receptacle therewith connected. (S. C., §39).

§312. Street obstructions prohibited.

No person having the right and ability to prevent, shall take or drive, or allow to go or be taken, any horse or other animal, or any vehicle, upon any sidewalk or footpath in front of any building, to the peril of any person; nor shall any person block or obstruct, or contribute to the blocking or obstructing of, any street or other public place. (S. C., §78).

§313. Dirt and other materials not to obstruct street.

(Repealed April 11, 1939).

§314. The use of horse watering troughs prohibited.

The watering of horses at a common watering trough in any public place or stable in the city of New York is hereby prohibited; nor shall any person water any horse or horses except by the use of an individual pail, bucket or other container furnished for each such horse.

Provided, however, that a watering trough, pail, bucket or other container may be used in common to water horses when each such trough, pail, bucket or other container is cleaned and sterilized immediately after such use thereof in a manner required by the department of health.

And provided, further, that this section shall not be deemed to apply to watering troughs maintained in a stable where same are for the exclusive use of the horses owned by the individual, corporation or copartnership conducting such stable. *(As adopted by the Board of Health, June 30, 1925.)*

§315. Throwing refuse into streets and vacant lots and interfering with sanitation employees prohibited.

(1) No person shall throw, cast or lay, or direct, suffer or permit any servant, agent, employee, or other person under his control, to throw, cast or lay any ashes, offal, garbage, cinders, shells, straws, shavings, paper, dirt, filth, broken glassware, crockery, bottles or other rubbish of any kind whatsoever, or any fruit or vegetable or any part or portion thereof, in or upon any street or public place, vacant lot or plot, except where ashes or dirt may be used for filling such a lot or plot under a permit secured from the department or bureau having jurisdiction.

(2) No dust from sidewalks shall be swept into the gutters of streets having permanent pavement, except in the morning before 8 o'clock.

(3) No person shall prevent or interfere with any employee of the Department of Sanitation in the sweeping or cleaning of any street or in the removal of sweepings, ashes, garbage, rubbish, snow, ice, or other refuse material.

(Former §315 repealed December 21, 1935; new §315 adopted February 8, 1938.)

§316. Interference with refuse placed for collection prohibited.

No person, other than an authorized employee or agent of the Department of Sanitation, shall disturb or remove any ashes, garbage or light refuse or rubbish placed by householders, or their tenants, or by occupants or their servants, within the stoop or area line, or in front of houses or lots, for removal, unless requested by residents of such houses. *(Former §316 repealed December 21, 1915; new §316 adopted February 8, 1938.)*

§317. Spilling or scattering of vehicle contents prohibited.

No one, being the owner, or in charge or in control of any vehicle, or of any receptacle, shall scatter, drop or spill, or permit to be scattered, dropped or spilled therefrom any dirt, sand, gravel, clay, loam, stone or building rubbish, hay, straw, oats, sawdust, shavings or other light materials of any sort, or manufacturing, trade or household waste, refuse, rubbish of any sort, or ashes, manure, garbage or other organic refuse or other offensive matter, or permit the same to be blown therefrom, in or upon any street or public place. *(Adopted February 8, 1938.)*

§318. Handbills, cards and circulars.

No person shall throw, cast or distribute, or cause or permit to be thrown, cast or distributed, any handbill, circular, card, booklet, placard or other advertising matter whatsoever, in or upon any street or public place, or in a front yard or court yard, or on any stoop, or in the vestibule or any hall of any building, or in a letterbox therein; provided that nothing herein contained shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States postal service, or prohibit the distribution of sample copies of newspapers regularly sold by the copy or by annual subscription. This section is not intended to prevent the lawful distribution of anything other than commercial and business advertising matter. *(Adopted February 8, 1938.)*

ARTICLE 17

TRADES, OCCUPATIONS AND BUSINESSES

Section 321. Occupations and businesses, dangerous or detrimental to life or health, prohibited.

322. Offensive or noisome trades and businesses regulated.

- 323. Certain offensive or noisome trades, occupations, and businesses prohibited in the borough of Manhattan.
- 324. Certain offensive or noisome businesses in the boroughs of Brooklyn, The Bronx, Queens, and Richmond regulated.
- 325. The slaughter of cattle, sheep, goats, pigs, calves, and poultry regulated.
- 326. Business of slaughtering cattle, horses, sheep, swine, pigs, and calves restricted in the borough of Manhattan.
- 327. Slaughtering of horses and sale of horse flesh for food regulated.
- 328. Tanning, skinning, and scouring or dressing hides and leather regulated.
- 329. Business of rendering and melting fat regulated.
- 330. Business of manufacturing or preparing sausages and smoking or preserving meat or fish regulated.
- 331. Business of breaking out eggs regulated; sale of "spots" and "spot eggs" prohibited; the term "spot" and "spot eggs" defined.
- 332. Boiling varnish or oil; distilling alcoholic spirits; making lamp-black, turpentine, or tar; treating and refining ores, metals, or alloys of metals; regulated.
- 333. Gas manufacture regulated and restricted; plans of building and location to be approved.
- 334. Lodging houses regulated.
- 335. Public barber shops, hair-dressing establishments, manicuring and beauty parlors regulated.
- 336. Public laundries regulated.
- 337. Duty of employers to provide means to prevent occupational diseases.
- 338. Manufacturing, sorting and handling cigars, cigarettes and tobacco regulated.
- 339. Removal of dust, gases, and other impurities from workrooms by suction devices.
- 340. Bathing establishments regulated.
- 341. Ocean bathing; regulations for protection.
- 342. Horseshoeing establishments regulated.
- 343. Use of common cigar cutters prohibited.
- 344. Flexible gas tubing; term defined; registration required; sale and use regulated.

§321. Occupations and businesses, dangerous or detrimental to life or health, prohibited.

No occupation or business that is dangerous or detrimental to life or health shall be established or carried on in the city of New York. (S. C., §92).

§322. Offensive or noisome trades and businesses regulated.

No establishment or place for carrying on any offensive or noisome trade or business shall be opened, started, established, or maintained in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §88).

§323. Certain offensive or noisome trades, occupations, and businesses prohibited in the borough of Manhattan.

It shall not be lawful for any person, persons, or corporation, to carry on, establish, prosecute, or continue, within the borough of Manhattan, the occupation, or trade, or business, of bone boiling, bone burning, bone grinding, horse skinning, cow skinning, or skinning of dead animals, or the boiling of offal; and any such establishment existing within said borough shall be forthwith removed from said borough, and such occupation, trade, or business shall be forthwith abated and discontinued, provided that the provisions of this section shall not apply to the slaughtering or dressing of animals for sale in said borough. (S. C., §90).

§324. Certain offensive or noisome businesses in the boroughs of Brooklyn, The Bronx, Queens, and Richmond regulated.

The business of bone crushing, bone boiling, bone grinding, bone or shell burning, lime making, horse skinning, cow skinning, glue making from any part of dead animals, gut cleaning, hide curing, fat rendering, boiling of fish, swill, or

offal, heating, drying, or storing of blood, scrap, fat, grease, or other offensive animal matter or of offensive vegetable matter, or manufacturing materials for manure or fertilizer, shall not be carried on in the boroughs of Brooklyn, The Bronx, Queens, or Richmond without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §91).

§325. The slaughter of cattle, sheep, goats, pigs, calves, and poultry regulated.

The slaughter of cattle, sheep, goats, pigs, calves, or poultry shall not be conducted in the city of New York, without a permit therefor issued by the board of health, or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §83; *amended March 20, 1924*).

§326. Business of slaughtering cattle, horses, sheep, swine, pigs, and calves restricted in the borough of Manhattan.

The business of slaughtering cattle, horses, sheep, or calves shall not be conducted in the borough of Manhattan except in that part of the said borough bounded by the west side of Eleventh avenue, the middle line of the block between West 38th and West 39th streets (west of Eleventh avenue), the North River, and the south side of West 41st street; and in that part of the said borough bounded by the east side of First avenue, the middle line of the block between East 42d street and East 43d street (east of First avenue), the East river and the south side of East 47th street.

The business of slaughtering swine and pigs shall not be conducted in the borough of Manhattan except in that part of the said borough bounded by the west side of Eleventh avenue, the middle line of the block between West 38th and West 39th streets (west of Eleventh avenue), the North river, and the south side of West 41st street. (S. C., §84; *amended Dec. 21, 1915*).

§327. Slaughtering of horses and sale of horse flesh for food regulated.

The business of slaughtering horses shall not be conducted in the city of New York, nor shall any horse flesh be brought into, or held, kept, or offered for sale in said city without a permit therefor issued by the board of health, or otherwise than in accordance with the terms of said permit and the regulations of said board. (S. C., §86; *amended Dec. 21, 1915*).

§328. Tanning, skinning, and scouring or dressing hides and leather regulated.

No establishment or place of business for tanning, skinning, or scouring, or for dressing hides or leather shall be opened, started, established, or maintained in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §88).

§329. Business of rendering and melting fat regulated.

The business of rendering or melting fat shall not be carried on in the city of New York, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §95).

§330. Business of manufacturing or preparing sausages and smoking or preserving meat or fish regulated.

The business of manufacturing or preparing sausages or smoking or preserving meat or fish shall not be carried on, nor shall any place therefor be established in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §49a).

§331. Business of breaking out eggs regulated; sale of "spots" and "spot eggs" prohibited; the term "spot" and "spot eggs" defined.

No person shall break out eggs for sale or conduct the business of breaking out eggs to be canned, frozen, dried, or used in any other manner, in the city of New York, and no eggs broken from the shell, whether canned, frozen, dried, or treated in any other manner, shall be received, held, sold, offered for sale, or delivered in the said city, without a permit therefor issued by the board of health or

otherwise than in accordance with the terms of said permit and with the regulations of said board.

(a) No person shall receive, hold, keep, sell, offer for sale, or deliver, as or for food, or to be used in food, in the city of New York, any canned, frozen or dried eggs, or eggs broken from the shell, which are adulterated or to which has been added any poisonous ingredient or any ingredient which may render such eggs injurious to health, or to which has been added any antiseptic, preservative, or foreign substance not evident and not known to the purchaser or consumer, or which shall contain filthy, decomposed, or putrid animal matter.

(b) No person shall keep, sell or offer for sale as food any "spots" or "spot eggs." Such eggs in the possession of a dealer in food shall, *prima facie*, be deemed to be held, kept, and offered for sale, as such food.

The term "spots" and "spot eggs," when used herein, shall be taken to mean all eggs that are partially hatched, broken yolked, blood ringed, or veined, and all unsound eggs, including those affected by moulds or which are partly decomposed or that have become sour. (S. C., §48a).

§332. Boiling varnish or oil; distilling alcoholic spirits; making lampblack, turpentine, or tar; treating and refining ores, metals, or alloys of metals; regulated.

No person shall hereafter erect or establish in the city of New York any manufactory or place of business, for boiling any varnish or oil, for the distilling of any ardent or alcoholic spirits, for making any lampblack, turpentine, or tar, for the treating and refining of ores, metals, or alloys of metals, with acids or heat, or for conducting any other business that will or does generate any offensive or deleterious gas, vapor, deposit, or exhalation, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board. (S. C., §94).

§333. Gas manufature regulated and restricted; plans of building and location to be approved.

No person or corporation being a manufacturer of gas, or engaged in or about the manufacture thereof, shall throw or deposit or allow to run, or shall permit to be thrown or deposited, into any public waters, river, or stream, or into any sewer therewith connected, or into any street or other public place, any gas, tar, or any refuse matter of or from any gas-house works, manufactory, mains, or service pipes, or permit the escape of any offensive odors from their works, mains, or pipes; nor shall any such person or corporation permit to escape from any of their works, mains, or pipes, any gas dangerous or prejudicial to life or health, or manufacture illuminating gas of such ingredients and quality that in the process of burning it any substance which may escape therefrom shall be dangerous or prejudicial to life or health; nor shall any such person or corporation fail to use the most approved and all reasonable means for preventing the escape of odors.

No buildings shall be erected or converted into, or used as, a place for the manufacture of illuminating gas, until the plans of such buildings and the location thereof, shall have been duly approved in writing by the board of health. (S. C., §89).

§334. Lodging houses regulated.

No lodging-house containing rooms in which there are more than 3 beds for the use of lodgers, or in which more than 6 persons are allowed to sleep, shall be conducted, maintained, or operated in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of the said permit and the regulations of the said board. (S. C., §21).

§335. Public barber shops, hair-dressing establishments, manicuring and beauty parlors regulated.

No public barber shop, hair-dressing establishment, manicuring or beauty parlor shall be conducted or maintained in the City of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board.

The terms "public barber shop," "public hair-dressing establishment," "public manicuring parlor" and "public beauty parlor" as used in this section shall be taken to mean and include all such premises as are commonly known by the terms "barber shop," "hair-dressing establishment," "manicuring parlor" and "beauty

parlor," respectively, and shall include all premises or portion thereof wherein the business of shaving, clipping, cutting, trimming, singeing, shampooing, massaging, manicuring, dressing, adorning or beautifying the human hair, face, scalp or hands, is conducted for fee, charge, or hire. (S. C., §179; *amended Jan. 26, 1922*).

§336. Public laundries regulated.

No public laundry shall be conducted otherwise than in accordance with the regulations of the board of health. The provisions of this section shall not apply to the home of a person performing laundry work thereat for a regular family trade.

§337. Duty of employers to provide means to prevent occupational diseases.

Every employer shall provide reasonably effective devices, means, and methods to prevent the contraction by his employees of any illness or disease incident to the work or process in which such employees are engaged.

§338. Manufacturing, sorting and handling cigars, cigarettes and tobacco regulated.

No person engaged, in the city of New York, in manufacturing, sorting, or handling, cigars or cigarettes or in preparing, sorting, or handling, tobacco for any purpose, shall, at any time, touch with lips, teeth, or tongue any such cigar or cigarette or any such tobacco, intended to be sold or offered for sale; nor shall any person moisten with saliva, directly or indirectly, by spitting, or by use of the fingers, or utensils or accessories of any kind, any such cigar or cigarette or any such tobacco; nor shall any person spray or moisten any such cigar or cigarette or any such tobacco by means of water or any other liquid, emitted from the mouth; nor shall any part of any such cigar or cigarette be allowed to touch or be introduced into the nose of any person.

A copy of this section shall be conspicuously posted in every place where such cigars or cigarettes are, or tobacco is manufactured, prepared, sorted, or handled. (Amended Dec. 21, 1915).

§339. Removal of dust, gases, and other impurities from workrooms by suction devices.

Every factory and other place of business in any workroom of which, in the course of business, dust, gases, fumes, vapors, fibres, or other impurities are generated, released, or set in motion, in quantities tending to injure the health of the persons therein employed, shall be provided with suction devices that will remove such dust, gases, fumes, vapors, fibers, or other impurities from every such workroom, and such devices shall be installed as near as practicable to the place where such dust, gases, fumes, vapor, fibres, or other impurities are generated, released, or set in motion. Such devices shall, also, be kept constantly working when their employment is necessary to meet the requirements of this section.

Every factory and other place of business in any workroom of which, through the nature of the business carried on, excessive heat is created shall be provided with such means or appliances as will appreciably reduce such heat, and such means or appliances shall be constantly employed when such excessive heat is being created.

§340. Bathing establishments regulated.

Bathing suits shall not be hired out, nor shall any bathing establishment be maintained in the city of New York without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and the regulations of said board. For the purpose of this section, the expression "bathing establishment" shall be taken to mean and include every building, room, enclosure, place or premises wherein bathing is permitted for hire or wherein bathing suits are hired out or which, for hire, is used for the purpose of dressing or undressing in connection with the wearing, putting on or taking off of bathing suits, or wherein there is located a swimming pool or plunge conducted by a school, club or membership organization, or a swimming pool or plunge used in common by the tenants of a Multiple Dwelling. (S. C., §26; *amended June 28, 1916, June 28, 1917, and October 7, 1932*).

§341. Ocean bathing; regulations for protection.

Every keeper or proprietor of a hotel or boarding house, and every other person having a bathing-house upon or near any beach or shore of the ocean for the accommodation of his guests or other persons, for pay, shall provide for the safety of such bathers 2 lines of sound, serviceable, and strong manila or hemp rope, not less than 1 inch in diameter, anchored at some point above high water, at the same distance apart as the width of the space occupied by him fronting on such beach; and from the two points at which such life lines are so anchored, such lines shall be made to extend as far into the surf as bathing therein is ordinarily safe and free from danger of drowning to persons not expert in swimming, and at such limit points of safety such lines shall be anchored and buoyed. From such limit points of such lines so extended, anchored, and buoyed, a third line shall be extended, connecting the two extremities of such lines, and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within such lines and the beach within which bathing is believed to be safe. Every such keeper, proprietor, or other such person shall cause to be painted and put up in some prominent place upon the beach, near such bathing-houses, the following words: "Bathing beyond the lines dangerous." Such lines so placed, anchored, and buoyed, and such notice so put up, shall be so maintained by every such keeper, proprietor, or other person during the entire season of surf bathing. The owner of a bathing house shall not be subject to the provisions of this section where such bathing-house is used, occupied, or maintained by a lessee for hire, but, in such instances, the lessee shall be deemed the keeper or proprietor thereof. (S. C., §26).

§342. Horseshoeing establishments regulated.

No horseshoeing establishment shall be conducted or maintained in the City of New York otherwise than in accordance with the regulations of the Board of Health. (*Adopted December 21, 1915 and amended April 11, 1939.*)

§343. Use of common cigar cutters prohibited.

No cigar cutter of any type designed for use in common shall be maintained in any public place or store in the city of New York. The term "for use in common" as used herein shall be deemed to mean and include for the use of, or intended to be used by, more than one person. (*Adopted February 20, 1922.*)

§344. Flexible gas tubing; term defined; registration required; sale and use regulated.

No person shall have, sell, offer for sale, give away, deal in or supply, any flexible gas tubing, unless such flexible gas tubing shall have been registered with the board of health and a certificate of registration has been issued by the board of health certifying that such flexible gas tubing has been examined and tested and found to comply with the regulations of the said board. The term "flexible gas tubing" shall be taken to mean and include any non-rigid hosing or piping and the end pieces thereof securely attached thereto and used or intended to be used to convey manufactured gas for domestic, manufacturing, or other purposes. It shall be the duty of every manufacturer of flexible gas tubing before offering same for sale in the city of New York to procure a certificate of registration of such flexible gas tubing from the board of health in accordance with the regulations of said board.

Any flexible gas tubing found to be defective or imperfect or leaky, or unfit for use by reason of defects or imperfections therein, or if such flexible gas tubing shall not have been properly registered with the board of health, or if such flexible gas tubing be fraudulently marked or registered, or if it shall not conform in all respects with the regulations of the board of health governing such flexible gas tubing, may be seized by any inspector or other duly authorized representative of the board of health, condemned, destroyed or held for such action as the board of health may direct. (This section shall take effect August 1, 1926). (*Adopted June 11, 1926.*)

ARTICLE 18**VESSELS AND SEAMEN**

Section 351. Duties of master, chief officers, and physicians.

352. Vessels from infected ports, or liable to quarantine; not to be

brought within three hundred yards of docks or piers unless permitted.

353. Vessels not in quarantine; duty of master, chief officers, and consignee to make daily reports.

354. Removal of persons sick of infectious diseases prohibited.

355. Removal of persons and articles exposed to infectious disease restricted; permit required.

356. Straw, bedding, clothing, and other substances; not to be cast into public waters.

357. Births, and deaths; duty of officers, surgeons and others to report.

358. Discharge of cargo regulated.

359. Skins, hides, rags, straw, bedding, and other articles and materials; removal and distribution regulated.

360. Houseboats; the use thereof regulated.

361. Boats and other water craft; loud and explosive noises prohibited.

362. Duties of keepers, lessees, tenants, and owners of boarding-houses and lodging-houses.

§351. Duties of masters, chief officers, and physicians.

Every master and chief officer of any vessel, and every physician of, or who has practiced on, any vessel, which shall arrive in the port of New York from any other port, shall at once report to the department of health any facts connected with any person or thing on said vessel, or that came thereon, which he has reason to think may endanger the public health of the city of New York; and he shall report the facts as to any person thereon being or having been sick of an infectious disease, and as to there being or having been thereon during the voyage or since the arrival of any such vessel any infected person or articles. (S. C., §151).

§352. Vessels from infected ports, or liable to quarantine; not to be brought within three hundred yards of docks or piers unless permitted.

No master, charterer, consignee, or other person shall order, bring, or allow (having power and authority to prevent) any vessel or person, or article therefrom, from any infected port, or any vessel, or person or article therefrom, liable to quarantine, according to the ninth section of the three hundred and fifty-eighth chapter of the laws of 1863 (or under any other laws, and whether such quarantine has been made or suffered or not), to come or be brought to any point nearer than 300 yards from any dock, pier, or building, in the city of New York, without a permit therefor issued by the board of health, or otherwise than in accordance with the terms of said permit and with the regulations of said board. Nor shall any vessel, or person or thing therein or therefrom, having been in quarantine, come or be brought or be permitted to remain within the last-named distance of any last-named place, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with regulations of said board. (S. C., §155; *amended Dec. 21, 1915*).

§353. Vessels not in quarantine; duty of master, chief officers, and consignee to make daily reports.

The master, chief officer, and consignee, of every vessel not being in quarantine, or within quarantine limits, but being with one-fourth of a mile of any dock, wharf, pier, or building of the city of New York, shall daily report to the department of health, or cause to be reported thereto, in writing, the particulars, and shall therein state the name, disease, and condition, of any person in or on such vessel who is sick of any infectious disease. (S. C., §149).

§354. Removal of persons sick of an infectious disease prohibited.

No person shall bring into the city of New York from any infected place, or land at or take into the said city from any vessel lately from an infected port, or from any vessel or building in which has lately been any person sick of an infectious disease, any article or person whatsoever, nor shall any such latter person land or come into said city, without a permit therefor issued by the board of health or otherwise than in accordance with the terms and conditions of said permit; and it shall be no excuse that the person so offending, or the article involved in the offense, has passed through quarantine, or that a permit therefor has been obtained from any other source than the said board. (S. C., §156).

§355. Removal of persons and articles exposed to infectious diseases restricted; permit required.

No captain, officer, consignee, owner, or other person in charge of any vessel (or having right and authority to prevent) shall remove or aid in removing from any vessel to the shore (save as legally authorized by the United States Public Health Service for removal into quarantine grounds and buildings under its jurisdiction) any person sick of, or person that has been exposed to and is liable very soon to develop, any infectious disease, or so remove or aid in removing any articles that may have been exposed to the contagion of any such disease, without or otherwise than in accordance with the terms and conditions of a permit therefor issued by the Board of Health. (S. C., §154; amended April 15, 1936).

§356. Straw, bedding, clothing, and other substances; not to be cast into public waters.

No owner, part owner, charterer, agent, or consignee of any vessel, or any officer or person having charge or control of the same, shall cast or allow to be cast, therefrom, into any public waters of the city of New York, any straw, bedding, clothing, or other substance. (S. C., §157).

§357. Births, and deaths; duty of officers, surgeons, and others to report.

The master, chief officer, ship's surgeon, or the company, corporation, charterer, or person having the management and control, of any vessel which shall arrive at the port of New York shall report, in writing, to the Department of Health of the City of New York, within three days after the arrival of such vessel, the death of any resident of said City, or the birth of any child, whose parents are residents or parent is a resident of said City, occurring thereon at sea, and shall file in the Bureau of Records of said Department a transcript of the entry made in the log book of such vessel, in respect to any such death, or birth. A transcript of any death, or birth filed as aforesaid may be issued, in the discretion of said Department, to any person entitled to receive the same. To take effect January 1, 1938. (S. C., §151a; amended December 14, 1937).

§358. Discharge of cargo regulated.

No owner, agent, or consignee, of any vessel, or cargo, and no officer of any vessel (in respect of either of which vessel or cargo a permit, according to any law, ordinance, or regulation shall or should have been obtained to pass quarantine, or to come up to the water-front of the city of New York) shall unload, or land, or cause to be unladen or landed, such cargo, or any part thereof, at any place in said city, without or otherwise than in accordance with the terms and conditions of a permit therefor issued by the board of health. (S. C., §153).

§359. Skins, hides, rags, straw, bedding, and other articles and materials; removal and distribution regulated.

No master, charterer, owner, part owner, or consignee of any vessel, or any other person, shall bring nearer to any dock, pier, wharf, or building, than one thousand feet therefrom in the city of New York, or unload at any dock, pier, wharf, or building, therein, or have on storage in the built-up portions of said city, any skins, hides, rags, or similar articles or materials which have been brought from any foreign country or any infected place, or from any points south of Norfolk, Virginia, without or otherwise than in accordance with the terms and conditions of a permit therefor issued by the board of health, and no person shall sell, exchange, remove, or in any way expose, any straw, bedding, or other articles used by immigrants upon any vessel bringing immigrants to this port, until it shall have been adequately and properly cleansed or disinfected; and all straw, bedding, or other articles that have been exposed on any vessel to the contagion or infection of any infectious disease, or have been or are liable to communicate such disease, shall be destroyed by fire on said vessel. (S. C., §152).

§360. Houseboats; the use thereof regulated.

No houseboat, while used or occupied as such, shall be moored, anchored, or located in the waters of any inlet or bay within the territorial limits of the city of New York, except the upper or lower bay of New York harbor, without a permit therefor issued by the board of health or otherwise than in accordance with the terms of said permit and with the regulations of said board; and no person shall use or occupy for living purposes any such boat so moored, anchored, or located, unless a permit for such boat has been issued as hereinbefore provided, or then

otherwise than in accordance with the terms of said permit and the regulations of said board. (S. C., §157a).

§361. Boats and other water craft; loud and explosive noises prohibited.

All boats or other water craft plying on any of the waters of or adjacent to the city of New York, equipped with a gasoline or other internal combustion engine in which a gas is generated or used for purposes of propulsion, shall be constructed so that the exhaust from such engine is made to discharge into a muffler or other device which will prevent loud or explosive noises occurring on or about any such boat or craft; and no person having the management and control of any such boat or craft, or operating the engine thereon, shall cause, permit, suffer, or allow the exhaust from such engine to discharge into the open air, or otherwise than into a muffler or other device which will prevent loud or explosive noises occurring on or about any such boat or craft. (S. C., §188).

§362. Duties of keepers, lessees, tenants, and owners of boarding-houses and lodging-houses.

The keepers, lessees, tenants, and owners of every boarding-house and lodging-house shall forthwith notify the department of health of the fact of any seafaring man, or person coming lately from any vessel, being taken sick at such house, and shall, at the same time, inform the said department of the premises where such sick person may be found, and of the name of the vessel from which and the time when such person came, to the best of the knowledge of the person or persons giving such notice and information (S. C., §150).

I, GOODHUE LIVINGSTON, JR., Secretary of the Board of Health of the Department of Health of the City of New York, do hereby certify that the foregoing is a true copy of the Sanitary Code of the City of New York as revised and amended by the Board of Health of the Department of Health of the City of New York and filed in the office of the City Clerk of the City of New York, to and including July 31, 1939.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the said Department of Health this 30th day of September, 1939.

(Signed) GOODHUE LIVINGSTON, JR.,

Secretary.

[SEAL]

APPENDIX

- (A) Chapter 22 of the New York City Charter, relating to the Department of Health.
- (B) Chapter 22 of the Administrative Code of the City of New York, relating to the Department of Health.
- (C) Article 17-b of the Public Health Law of the State of New York, relating to Certain Contagious (venereal) Diseases.
- (D) Section 18-d of the Public Health Law of the State of New York, relating to Serological Blood Tests for Syphilis of Pregnant Women.
- (E) Section 13 to 15 inclusive, of the Domestic Relations Law of the State of New York, relating to Serological Blood Tests for Licensing and Solemnization of Marriage.
- (F) Article 12 of the Labor Law of the State of New York, relating to Bakeries and Confectioneries.

APPENDIX (A)

Chapter 22 of the NEW YORK CITY CHARTER Relating to the Department of Health

CHAPTER 22 DEPARTMENT OF HEALTH

Department; commissioner.

§551. a. There shall be a department of health the head of which shall be the commissioner of health who shall be appointed by the mayor.

b. The commissioner

(1) shall be a doctor of medicine or the holder of a degree in public health received from a college or university after at least two years of graduate study, and

(2) shall have had at least eight years' experience either in public health administration or in college or university public health teaching or in both.

Deputies and secretary.

§552. The commissioner may appoint two deputies and a secretary of the department.

Board of health.

§553. a. There shall be in the department a board of health to consist of the commissioner who shall be chairman and four members, at least two of whom shall be doctors of medicine who shall each have had not less than ten years' experience in any or all of the following: clinical medicine, public health administration or college or university public health teaching.

b. The four members other than the chairman shall serve without compensation and shall be appointed by the mayor. Of those first appointed, one shall be appointed for two years, one for four years, one for six years and one for eight years. The terms of such members shall begin to run from the first day of January, nineteen hundred thirty-eight. All subsequent appointments shall be for eight years, except that in case of a vacancy the mayor shall appoint a member to serve for the unexpired term.

c. The secretary of the department shall act as secretary of the board of health, and in his absence the board may designate a secretary pro tempore. The commissioner shall designate such stenographers and other employees of the department as may be necessary to the service of the board of health.

Removal of members of board.

§554. A member of the board of health other than the chairman may be removed by the mayor on proof of official misconduct or of negligence in official duties or of conduct in any manner connected with his official duties which tends to discredit his office, or of mental or physical inability to perform his duties; but before removal he shall receive a copy of the charges and shall be entitled to a hearing before the mayor and to the assistance of counsel at such hearing.

Powers and duties of commissioner.

§555. The commissioner shall have all the powers and duties of the department except those vested by law in the board of health.

Authority, duties and powers of the department.

§556. a. The department shall have jurisdiction to regulate all matters affecting health in the city.

b. The authority, duties and powers of the department shall extend over the city, and over the waters adjacent thereto, within the jurisdiction of the city and within the quarantine limits as established by law.

c. Unless otherwise provided by law, it shall be the duty of the department to enforce all provisions of law applicable in the area under its jurisdiction for the preservation of human life, for the care, promotion and protection of health

and relative to the necessary sanitary supervision of the purity and wholesomeness of the water supply and the sources thereof.

Offices of the department.

§557. The department shall maintain a main office and shall maintain, furnish and operate offices, health centres and health stations in each borough. The commissioner shall designate an office in each borough in which shall be kept the records of births, stillbirths and deaths in such borough. The health centres may contain facilities for health education and for such other health purposes as in the opinion of the board of health may be necessary to carry out the powers and duties of the department.

Sanitary code.

§558. a. The sanitary code which is in force in the city on the date at which this charter takes effect and all existing provisions of law fixing penalties for violations of the code and all regulations of the board of health on file with the city clerk on the date when this charter takes effect shall continue to be binding and in force except as amended or repealed from time to time. Such code shall have the force and effect of law.

b. The board of health is hereby authorized and empowered from time to time to add to and to alter, amend or repeal any part of the sanitary code, and may therein publish additional provisions for the security of life and health in the city and confer additional powers on the department not inconsistent with the constitution or laws of this state or with this charter, and may provide for the enforcement of the sanitary code or any orders made by the commissioner or the board of health, by such fines, penalties, forfeitures and imprisonment as may be prescribed therein or otherwise by law.

c. The board of health may embrace in the sanitary code all matters and subjects to which the power and authority of the department extends, not limiting their application to the subject of health only.

d. Any violation of the sanitary code shall be treated and punished as a misdemeanor. Pecuniary penalties for violations of the sanitary code may be recovered in a civil action before any justice or tribunal in the city having jurisdiction of civil actions.

e. No amendment or addition to the sanitary code or repeal of any provision thereof adopted by the board of health subsequent to the date of going into effect of this charter shall become valid and effectual until a copy of such amendment, addition or repeal duly certified by the secretary of the board be filed with the city clerk. Upon such filing the amendment or addition shall be part of the sanitary code and shall be published forthwith in the City Record by the city clerk.

f. The board of health may add, amend and repeal regulations in regard to any matter contained in the sanitary code, and such regulations when filed with the city clerk shall have the same force and effect as a provision of the sanitary code and shall be published forthwith in the City Record.

g. No action shall abate, or right of action already accrued be abolished, by reason of the expiration, repeal or amendment of any provision of the sanitary code or regulations in regard thereto.

Seal.

§559. The board of health may adopt a seal which shall be used for the authentication of the orders and proceedings of the department, in commissioning its officers and agents and otherwise as may be provided by rule or in the sanitary code.

Communicable disease hospitals.

§560. a. Upon the resolution of the board of health addressed to the mayor and to the commissioner of hospitals, and with the written consent of the mayor, any hospital operated by the department of hospitals shall be designated as a hospital for the care and treatment of communicable disease, and the department of health may authorize or direct the removal to any such hospital of any person suffering from such disease or any carrier of a communicable disease, if deemed by it necessary for the protection of the public health.

b. The board of health, if in its judgment necessary, may, during the prevalence of an epidemic, take possession of any building or buildings in the city for temporary hospitals, and shall pay a just compensation for private

property so taken. Such temporary hospitals shall be under the control of the department of health unless the board of estimate shall with the consent of the mayor direct that they be placed under the control of the department of hospitals.

Permits.

§561. The board of health may in its discretion grant, suspend or revoke permits for businesses or other matters in respect to any subject regulated by the department. Whenever the board of health in the sanitary code authorizes the issuance, suspension or revocation of a permit by the commissioner, his action shall be subject to review by the board of health upon an appeal by the party aggrieved under such rules as it may provide. Such rules may provide in what cases an appeal may stay the action of the commissioner until final determination by the board of health; but notwithstanding any such rule the board of health shall have power to grant or refuse a stay in any particular case.

Failure to observe order; penalty.

§562. Except in cases where it is otherwise provided by law, every violation, neglect or refusal by any person to comply with any order of the commissioner or board of health shall be triable by a city magistrate and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Declaration of imminent peril.

§563. In the presence of great and imminent peril to the public health, it shall be the duty of the board of health, having first taken and filed among its records what it shall regard as sufficient proof to authorize its declaration of such peril, and having duly entered the same in its records, to take such measures, and to order the department to do such acts and make such expenditures beyond those duly estimated for or provided for the preservation of the public health, including the power to take possession of and occupy as a hospital any building or buildings in the city, as it may in good faith declare the public safety and health to demand, and the mayor shall in writing approve. But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written consent of at least three members of the board of health and the approval as aforesaid of the mayor. And such peril shall not be deemed to exist except when and for such period of time as the board of health and mayor shall declare.

Suits and service of papers.

§564. The department may sue and be sued in and by the proper name of "The Department of Health of the City of New York," and service of all process in suits and proceedings against or affecting said department, and other papers, may be made upon the commissioner or upon the secretary, and not otherwise; except that, according to usual practice in other suits, papers in suits to which the department is a party may be served on the corporation counsel or such assistant as may be assigned by him to the department.

No personal liability.

§565. No member, officer or agent of the department and no person other than the department or the city itself shall be sued or held to liability for any act done or omitted in good faith and with ordinary discretion, on behalf of or under the department, or pursuant to its regulations, ordinances, local laws or health laws. And any person whose property may have been unjustly or illegally destroyed or injured, pursuant to any order, regulation or action of the department or its officers, for which no personal liability may exist, as aforesaid, may maintain a proper action against the city for the recovery of the proper compensation or damage. Every such suit must be brought within six months after the cause of action arose, and the recovery shall be limited to the damages suffered.

Right of entry of officers of department.

§566. The commissioner and his deputies and such officers or employees of the department as are authorized by the commissioner may without fee or hindrance enter, examine and inspect all vessels, premises, grounds, structures, buildings and every part thereof and all underground passages of every sort in the city for compliance with the provisions of law enforced by the department

and its rules and regulations, and may make plans, drawings and descriptions thereof, according to the regulations of the department. The owner or his agent or representative and the lessee or occupant of any such premises, grounds, structures, buildings and every part thereof and all underground passages of every sort in the city and every person having the care and management thereof, shall at all times, when required by any such officers or employees, give them free access thereto, and refusal so to do shall be triable by a city magistrate and punishable by not more than thirty days' imprisonment, or by a fine of not more than fifty dollars, or both.

Record of births, stillbirths and deaths.

§567. The board of health shall prescribe the persons who shall be required to keep a registry of births, stillbirths and deaths occurring in the city and file certificates thereof with the department and the form and manner in which such registry shall be kept and certificates filed.

The board of health shall make rules for the recording of births which have not been recorded in accordance with law and for the change or alteration of any birth, stillbirth or death certificate upon proof satisfactory to the commissioner.

Acceptance of private funds.

§568. No grant, gift, devise or bequest made to the city or to the department for work to be done within the jurisdiction of the department shall be accepted, and no work or research paid for from private sources shall be carried on under the jurisdiction of the department except with the approval of the commissioner and of the board of health.

APPENDIX (B)

Chapter 22 of the

ADMINISTRATIVE CODE OF THE CITY OF NEW YORK

Relating to the Department of Health

CHAPTER 22

DEPARTMENT OF HEALTH

TITLE A

§ 552-1.0 Secretary.—The secretary, subject to the direction of the commissioner, shall keep and authenticate the acts, records, papers and proceedings of the department, preserve its books and papers, conduct its correspondence, and aid generally in accomplishing the purposes of the department.

§ 552-2.0 Certification by chief clerk.—Papers certified by the chief clerk of the department or by an assistant chief clerk shall be of the same effect as evidence and otherwise, as if certified by the secretary.

§ 556-1.0 Proofs and affidavits.—Proofs, affidavits and examinations as to any matter under the jurisdiction of the department may be taken by or before the board or other person as the commissioner or board shall authorize. The commissioner, the secretary and any member of the department, shall, severally have authority to administer oaths in such matters.

§ 556-2.0 Measures to prevent the spread of disease.—a. It shall be the duty of the department:

1. To cause any avenue, street, alley or other passage whatever, to be fenced up or otherwise inclosed if it shall deem the public safety requires it, and to adopt suitable measures for preventing all persons from going to any part of the city so inclosed;

2. To forbid all communication with the house or family infected with any communicable disease except by means of physicians, nurses or messengers to carry the necessary advice, medicines and provisions to the afflicted;

3. To adopt such means for preventing all communication between any part of the city infected with a disease of communicable character and all other parts of the city, as shall be prompt and effectual.

b. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§ 556-3.0 Inspection of sick; reports.—Any officer or employee of the department may visit any person who shall be reported to the department as being apparently or presumably sick of any communicable disease and report his opinion of such sickness to it in writing.

§ 556-4.0 Inspection of vessels; removal; violation of orders, punishments for.—a. An officer or employee of the department shall visit and inspect all vessels coming to the wharves, landing places, or shores of the city, or within three hundred yards thereof, which are suspected of having on board any communicable disease, or of being likely to communicate such disease to the inhabitants of the city. He shall report in writing, stating the vessel so inspected and the nature, state, and situation thereof, and his opinion as to the probability of disease being communicated by or from the same, and shall file such report in the main office of the department.

b. If the department deem it probable that any such disease may be brought into the city or communicated to the inhabitants thereof, it may by order direct any vessel lying at a place within three hundred yards of any wharf, landing place or shore of the city to be removed at least three hundred yards therefrom within six hours after a copy of such order, certified by the secretary of the

department, shall be delivered to the person or persons having command of such vessel, or to the master, owner or consignee thereof. Every person to whom such copy of such order shall be delivered shall forthwith comply with the same.

c. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§ 556-5.0 Infected places outside the city; proclamation.—a. The board of health may issue a proclamation declaring any place where there shall be reason to believe a communicable disease actually exists, to be an infected place within the meaning of the health laws of this state. Such proclamation shall fix the time when it shall cease to have effect but such period, from time to time, may be extended by the board if it shall judge the public health to require such extension. Notice of an extension shall be published in one or more newspapers of the city.

b. After such proclamation shall have been issued, all vessels arriving in the port of New York from such infected place shall be subject to a quarantine of at least thirty days or until the termination of the proclamation period, and together with their officers, crews, passengers and cargoes, shall be subject to all the provisions, regulations and penalties in relation to vessels subject to quarantine.

c. The board may prohibit or regulate the internal intercourse by land or water between the city and the infected place; and may direct that all persons who come into the city contrary to its prohibition or regulations shall be apprehended and conveyed to the vessel or places from where they last came, or if sick, to such place as the board shall direct.

d. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§ 556-6.0 Vaccinations.—a. The department is empowered to collect and preserve pure vaccine lymph or virus, produce diphtheria antitoxin and other vaccines and antitoxins, and add necessary additional provisions to the sanitary code in order to most effectually prevent the spread of communicable diseases.

b. The department may take measures, and supply agents and offer inducements and facilities for general and gratuitous vaccination, disinfection, and for the use of diphtheria antitoxin and other vaccines and antitoxins.

§ 556-7.0 Sale and exchange of lymph and antitoxin.—a. The department may authorize the sale at reasonable rates to be fixed by it, of surplus vaccine lymph, virus, diphtheria antitoxin and other vaccines and antitoxins, when the amount collected shall exceed the amount required by it in the proper performance of its duties. The avails of such sales shall be accounted for and paid to the city treasurer, and shall be set apart and constitute distinct funds, to be known respectively as "the fund for gratuitous vaccination", and the "antitoxin fund". Such funds shall be subject to the requisition of the department for the purposes of the preceding section.

b. The bureau of laboratories of the department may also exchange, upon authority and approval of the commissioner, and upon the written approval of the mayor, a portion of its laboratory products for other and different laboratory products, manufactured by the laboratories of the United States government and of other cities and laboratories, which the department may need for the prevention of the spread of disease.

§ 556-8.0 Appropriation for prevention of communicable diseases.—The board of estimate shall appropriate to the use of the department, for the prevention of dangers from communicable diseases found to exist in any part of the city, or for the care of persons exposed to danger from communicable diseases, moneys which shall be raised pursuant to subdivision five of section one hundred seventeen of the charter.

§ 556-9.0 Publication of reports and statistics.—The department, to promote the public good and public service, may establish reasonable regulations as to the publicity of any of its papers, files, reports, records and proceedings; and may publish such information as, in its opinion, may be useful, concerning births, deaths, marriages, sickness and the general sanitary conditions of the city, or any matter, place or thing therein.

§ 556-10.0 Repairs of buildings; removal of obstructions; regulation of public markets.—a. The powers of the department shall include the ordering and enforcing in the same manner as other orders are provided to be enforced, the repairs of buildings, houses and other structures; the regulation and control of all public markets in relation to the cleanliness, ventilation and drainage thereof and the prevention of sale or offering for sale of improper articles; the removal of any obstruction, matter or thing in or upon the public streets, sidewalks or places, which, in the opinion of the department, may lead to conditions dangerous to life or health; the prevention of accidents by which life or health may be endangered; and generally the abatement of all nuisances.

b. The department shall possess full power with reference to the ventilation, drainage and cleanliness, of the stands or stalls in or around all markets.

§ 556-11.0 Nuisances; abatement without suit.—The department shall have within the city all common law rights to abate any nuisance without suit, which can or does in this state belong to any person.

§ 556-12.0 Right of inspection.—It is hereby made the duty of all departments, officers, and agents, having the control, charge or custody of any public structure, work, ground, or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person, authorized to do so by the department of health.

§ 556-13.0 Medical examiners' returns.—The department, from time to time may make rules and regulations fixing the time of rendering, and defining the form of returns and reports to be made to it by the chief medical examiner, in all cases of death which shall be investigated by him. The chief medical examiner shall conform to such rules and regulations.

§ 556-14.0 Removal of bodies.—a. It shall be the duty of the department upon receiving a certificate of death, made in accordance with its rules, to grant a permit for the removal from the city, of the body of the person described in such certificate if such body has not been buried.

b. It may grant a permit for the removal of the remains of any person interred within the city to a place without the city, on the application of a relative or friend of such person, when there shall appear to be no just objection to the same.

§ 556-15.0 Putrid cargoes, et cetera, may be destroyed.—The department, when it shall judge it necessary, may cause any cargo or part thereof, or any matter or thing, within the city, that may be putrid or otherwise dangerous to the public health, to be destroyed or removed. Such removal, when ordered, shall be to such place as the department shall direct; such removal or destruction shall be made at the expense of the owner or owners of the property so removed or destroyed. Money expended for the same may be recovered from such owner or owners, in an action at law, by the department.

§ 556-16.0 Drainage; orders therefor; maps.—a. Whenever in its opinion the protection of the public health requires the drainage of any lands in the city, by means other than sewers, the department may make an order describing the location of such lands, and directing the proper drainage thereof, and construction of drains therefor, by the president of the borough wherein such drainage is required.

b. The department after making such order, shall cause a map to be made on which shall be shown the location of such proposed drains and the lands required for the construction thereof.

c. The order shall be entered at length in the records of the department and a copy thereof shall be delivered to such borough president.

d. The map shall be filed in the department. A copy thereof shall be filed in the office of the register or county clerk of the county in which the lands are situated; another copy with the copy of the order shall be filed with such borough president, who shall immediately thereafter have the power, and is hereby directed to make and adopt proper and suitable plans for the construction of such drains.

§ 556-17.0 Orders for paving, et cetera, yards and cellars; notice.—An

order for the paving, filling, concreting, draining or regulating of any yards or cellars within the city shall be made by the department only upon reasonable notice to the owner or agent thereof.

§ 559-1.0 Judicial notice of seal and presumptions.— All courts shall take judicial notice of the seal of the department and of the signature of its secretary, chief clerk and assistant chief clerks.

§ 560-1.0 Aliens.—The commissioner may send to such place as he may direct, all aliens and other persons in the city, not residents thereof, who shall be sick of any communicable disease. The expense of the support of such aliens or other persons shall be defrayed by the city, unless such aliens or other persons shall be entitled to support from the commissioner of immigration and naturalization of the United States.

§ 561-1.0 Plumbers; commissioner to license.—The commissioner shall have cognizance and control of the granting, issuing, transferring, renewing, revoking, suspending and canceling of all licenses to engage in the trade, business or calling of duly registered and licensed master plumber. It shall * unlawful for any person to engage in such trade, business or calling within the city without a license therefor.

§ 561-2.0 Plumbers' licenses; issuance, suspension, revocation.—The commissioner shall issue plumbers' licenses only to those persons who are certified as successful candidates by the municipal civil service commission. He shall issue licenses to all successful candidates, unless the license of any such candidate has been previously revoked or suspended. The commissioner may at any time revoke, suspend or cancel a plumber's license for cause, after notice and hearing to the licensee.

§ 564-1.0 The department as party.—The department may institute and maintain all suits and proceedings which are reasonable, necessary and proper, to carry out the provisions of the laws under which it acts.

§ 564-2.0 Proceedings presumed legal; presumptions.— a. The actions, proceedings, authority, and orders of the department shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

b. In any action or proceeding the right of such department or police department to make any order or cause the execution thereof, shall be presumed.

c. All meetings of the board shall in every action and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

§ 564-3.0 Copies of records; authentication.— Copies of the records of the proceedings of the department or board, of the rules, regulations, by-laws and books and papers, constituting part of their archives and at any time in force in the city, when authenticated by the secretary or secretary *pro tempore* of the department, shall be presumptive evidence of the facts, statements and recitals therein contained, and the authentication taken as presumptively correct, in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy.

§ 564-4.0 Order for examination before justice of supreme court.— a. Any justice of the supreme court of the first or second department, or who is holding court or chambers therein, upon the written application of the commissioner, may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice of any person or persons, and the production of books or papers or the inspection and taking of copies of the whole or parts thereof, at a time and place within the city, and in such order to be named, provided it shall appear to the satisfaction of such justice or court that any matter or point affecting life or health is involved. It shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by the justice, and with any copies of books or papers, to be delivered to the department for the use of the department.

b. Such examination, and any proceeding connected therewith, or under

* So in original [word "be" evidently omitted].

such order, may wholly or in part be had, conducted or continued by or before any other of such justices, as well as that one who made the order; and in and about the same, every such justice shall have as full power and authority to punish for contempt, and enforce obedience to such or other order or direction or that of any other judge respecting the matter as any such justice of the supreme court may now have, or shall possess, to enforce obedience or punish contempt in any case or matter whatsoever. Such application shall name or describe the person or persons whose examination is sought, and so far as possible the books or papers desired to be inspected, and the matter or points affecting life or health as to which the commissioner requests the examination to take place, and the justice shall on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such justice may be made, and the same proved in the same manner as the service of either an injunction or a subpoena. And it shall be the duty of the justice to facilitate the early determination of the proceedings.

§564-5.0 Appearance and examination of witnesses.—Upon the application of any party in interest in any matter pending examination before the department, by affidavit, stating the grounds of such application, to any judge of a court of record, and asking that any person or persons therein named shall appear before the department, or any person taking or about to take such examination, at some time or times and place to be stated in the affidavit, it shall be the duty of such judge, if he shall discover reasonable cause so to do, to issue his order requiring such person or persons named to appear and submit to such examination as, and to the extent such order may state, at the time and place to be in the order named; and the order, signed by such judge, may be served, and shall in all respects be obeyed as a subpoena duly issued. A refusal to submit to the proper examination may be punished by such judge or by any judge of such court as a contempt of court, upon the facts as to such refusal being brought before any such judge by affidavit.

§564-6.0 Penalties.—a. Every person, corporation, or body that may have wilfully done or omitted any act or thing which is by any law declared to be, or to subject the party guilty thereof to punishment for, a misdemeanor, shall in addition thereto, be subject to a penalty of two hundred fifty dollars, to be sued for and recovered by the department in any civil tribunal in the city.

b. Every person, corporation, or body, that shall violate or not conform to any provisions of the sanitary code, or any rule or sanitary regulation duly made, shall be liable to pay a penalty not exceeding fifty dollars nor less than twenty dollars for each offense, which may be sued for and recovered by and in the name of the department, with costs, before any justice or tribunal in the city having jurisdiction of similar actions. The judge or justice who presided at a trial where such penalty is claimed, on such trial, in writing, shall fix the amount of the penalty to be recovered, and shall direct such amount to be, and it shall be included in the judgment.

§564-7.0 Joinder of defendants.—Any suit instituted by the department for the recovery of a penalty may be against one or more of those who participate in the acts, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action as the justice of the court shall direct.

§564-8.0 Court fees not to be charged.—The department shall not be subject to the payment of any fees to any court, magistrate or clerk for the issuance of any paper or process or for the performance of any duty in suits brought for the recovery of a penalty.

§564-9.0 Costs.—a. If the department, in an action for a penalty, recover judgment in any amount, costs of the court in which the action is brought shall also be recovered without reference to the amount of the recovery, provided payment was demanded before suit brought, and the defendant or defendants against whom recovery is had, did not, as article twenty-one of the civil practice act authorizes, offer to pay an amount equal to the recovery against him or them, except that where the recovery shall be less than fifty dollars, the amount of costs shall be ten dollars.

b. The department shall not be subject to the payment of costs unless the judge or justice, at the conclusion of the trial, shall certify in writing that there was not reasonable cause for bringing the action. In such case the costs shall not exceed ten dollars, unless the amount claimed exceed fifty dollars.

§ 564-10.0 Jurisdiction; title to real estate.—If the defendant is sought by the pleadings to be charged in an action for the recovery of a penalty on any grounds other than by virtue of ownership of real estate, no court shall lose jurisdiction by reason of the plea that title to such real estate is involved.

§ 564-11.0 Officers to be peace officers.—Every officer and inspector of the department is hereby declared to be a peace officer and constituted such within the provisions of section one hundred fifty-four of the code of criminal procedure, and is hereby authorized and empowered, subject to the regulations of the department, to proceed under the provisions of subdivision h of section one hundred sixteen of the inferior criminal courts act of the city of New York in the same manner and with like force and effect as a police officer in respect to procuring, countersigning and serving the summons referred to therein.

§ 564-12.0 Injunctions against department; undertakings.—a. A preliminary injunction shall be granted against the department or its officers, only by the supreme court at a special term thereof after service of at least five days notice of a motion for such injunction, together with copies of the papers on which the motion for such injunction is to be made.

b. Whenever the department shall seek any provisional remedy or prosecute any appeal, it shall be unnecessary to give any undertaking before obtaining or prosecuting the same.

§ 564-13.0 Officers and magistrates to act promptly.—It shall be the duty of all prosecuting officers of criminal courts, and city magistrates to act promptly upon all complaints, and in all suits or proceedings for a violation of any health law, and in all proceedings approved or promoted by the department, and to bring the same to a speedy hearing and termination and to render judgment and direct execution therein without delay.

§ 564-14.0 Service of orders.—a. Service of any order of the department or board shall be deemed sufficient if made:

1. Upon a principal person interested in the business, property, matter or thing, or the nuisance or abuse to which such order relates; or
2. Upon a principal officer charged with a duty in relation thereto; or
3. Upon a person, officer or department, or an officer or employee of such a department, who may be most interested in or affected by its execution.

b. If such order relate to any building or the drainage, sewerage, cleaning, purification or ventilation thereof, or of any lot or ground on or in which such building stands, used for or intended to be rented as the residence or lodging place of several persons or as a multiple dwelling, service of such order on the agent of any person or persons for the renting or for the collecting of rent thereof, or of the parts thereof to which such order may relate, shall be of the same effect and validity as due service made upon the principal of such agent or upon the owners, lessees, tenants or occupants of such buildings, or parts thereof, or of the subject matter to which such order relates.

§ 564-15.0 Definition of nuisance.—The word "nuisance", shall be held to embrace public nuisance, as known as common law or in equity jurisprudence; whatever is dangerous to human life or detrimental to health; whatever building or erection, or part or cellar thereof, is overcrowded with occupants, or is not provided with adequate ingress and egress to and from the same or the apartments thereof, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink, unwholesome. All such nuisances are hereby declared illegal.

§ 564-16.0 Nuisances; punishment.—A wilful omission or refusal of any individual, corporation or body to forthwith abate any nuisance, as ordered by the department or board, such order having been duly served upon them, shall be a misdemeanor.

§ 564-17.0 Nuisances; who is liable.—It is hereby declared to be the duty, of which there shall be a joint and several liability, of every owner, part owner, person interested, and every lessee, tenant, and occupant, of or in, any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in the city, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and board having charge of any ground, place, building or erection therein, to keep, place and preserve the same and every part, and the sewerage, drainage and ventilation thereof in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health, subject to the sanitary code and orders of the department.

§ 564-18.0 Dangerous buildings, places and things; declaration as nuisance.—Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in the city, in the opinion of the board, whether as a whole or in any particular, shall be in a condition or in effect dangerous to life or health, the board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is a public nuisance, or dangerous to life or health; and may thereupon enter the same in its records as a nuisance, and order the same to be removed, abated, suspended, altered, or otherwise improved or purified, as such order shall specify.

§ 564-19.0 Stay of execution; modification.—If any party, within three days after service or attempted service of such order upon him and before its execution is commenced, shall apply to the board, or the chairman thereof, to have such order or its execution stayed or modified, it shall then be the duty of the board to temporarily suspend or modify it at the execution thereof, save in cases of imminent peril to the public health, when the board may exercise extraordinary powers, as specified in section five hundred sixty-three of the charter and to give such party or parties together, as the case in the opinion of such board may require, a reasonable and fair opportunity to be heard before it and to present facts and proofs, according to its rules and directions, against such declaration and the execution of such order, or in favor of its modification, according to the regulation of the board. Such board shall enter in its minutes such facts and proofs as it may receive and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its declaration and order, and require execution of the original, or of a new or modified order to be made in such form and effect as it may finally determine.

§ 564-20.0 Execution.—If such order is not complied with, or so far complied with as the board may regard as reasonable, within five days after service or attempted service, or within any shorter time, which, in case of imminent peril to the public health, the board may have designated, or is not thereafter speedily and fully executed, then such order may be executed as any of the orders of the board or department.

§ 564-21.0 Substituted service.—If personal service of any such order cannot be made by reason of absence from the district, or inability to find one or more of the owners, occupants, lessees or tenants of the subject matter to which such order relates, or one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of the board, to be shown by the official certificates of the officer having such order to serve, then service may be made through the mail, or by copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion.

§ 564-22.0 On what expenses to be a lien.—The expenses attending the execution of any and all orders duly made by the department shall respectively be a several and joint personal charge against each of the owners or part owners and each of the lessees and occupants of the building, business, place, property, matter or thing to which such order relates, and in respect to which such expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which such order requires. Such expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room,

building, premises, matter or thing to which such order relates, and in respect of which such expenses were incurred, and also a lien on all compensation due, or to grow due, for the cleaning of any street, place, ground, or thing, or for the cleaning, or removal, of any matter, thing, or place, the failure to do which by the party bound so to do, or doing of the same in whole or in part by order of such department, was the cause or occasion of any such order or expense.

§ 564-23.0 Suits for expenses.—The department, in case it has incurred any expense, or has rendered service for which payment is due, and as the rules of the department may provide, may institute and maintain a suit against any one liable for such expenses, or against any person, firm or corporation, owing or who may owe such rent or compensation, and may recover the expenses so incurred under any such order. One or more of such parties liable or interested may be made parties to such action as the department may elect; but the parties made responsible herein for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses, and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them.

§ 564-24.0 Lien for expenses; notice to be filed.—a. Such expenses shall be a lien upon the land and buildings upon or in respect to which, or either of which, the work required by such order has been done, or expenses incurred, which lien shall have priority over all other liens and incumbrances, except taxes and assessments. No such lien shall be valid for any purpose until the department shall have caused to be filed in the office, or with the officer where notices of mechanics' liens are required to be filed, a notice containing the same particulars as required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of an order of the department, and giving its date.

b. Upon such filing such officer shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in cases of mechanics' liens, together with a reference to such order, by date, and thereafter the same shall, except as herein elsewhere provided, have the same effect in all respects as a mechanic's lien; and all proceedings with reference to such lien, its enforcements and discharge, shall be had and carried on in the same manner as similar proceedings with reference to mechanics' liens are now, or may be hereafter by law had or carried on.

§ 564-25.0 Duration of lien; discharge.—The filing of such statement shall as to all persons have the same effect as filing of notice of mechanics' liens; and unless within six months after actual notice of such filing, proceedings are taken by the party against whom or whose property a lien is claimed, to discharge such lien, the filing, as to all persons having such actual notice, shall become conclusive evidence that the amount claimed in such statement, with interest, is due, and is a just lien upon such land and building. Such lien shall continue to be a lien for the space of four years from the time of filing such statement, unless proceedings are in the meantime taken to enforce or discharge the same which may be done at any time during its continuance. In case proceedings are so taken, it shall remain a lien until the final determination of such proceedings; and if such proceedings shall result in a judgment for the amount claimed in such statement, or any portion thereof, such judgment shall, to such extent, be a lien in the same manner, and from the same time as such statement.

§ 564-26.0 Statement of expenses of executing orders.—a. When the department, through its own officers, and men and means shall have executed, or so far executed as the department may require, any order, an affidavit setting forth the expenses of such execution, itemized generally, and the date thereof shall be filed among the records of the department with the order so executed; and the department shall take care by, or through some proper officer, or otherwise, that the expenses of such execution be so stated with fairness and accuracy.

b. When it shall appear that such execution or the expenses thereof, related to several lots or buildings belonging to different persons, such affidavit shall state what belongs to, or arose in respect to each lot of such several lots or buildings, as the department or its authorized officer may direct; and the department may revise the correctness of such apportionment of expenses as truth and justice may require.

c. Whenever the expenses attending the execution of any order of the department may be made the subject of a suit by it, there may be joined in the same suit a claim or claims for any penalty or penalties for violation of any health provisions, or for the violation or omission to perform or obey such order, or any prior order of the department, or for the not doing of that, or any portion of that, for the doing of which such expenses arose or were incurred; and the proper joint or several judgment may be had against one or more of the defendants in the suit, as they or either of them may be liable in respect of both such claims, or either or any of them.

§ 564-27.0 Service of order or judgment.—The department may serve a copy of the order under or by reason of which such expenses were authorized or incurred with a copy of the affidavit stating the expenses of the execution of such order, or if the claim be a judgment, may serve a transcript of such judgment, and an affidavit showing the expense of its execution if there be any, upon any person or corporation owing, or who is about to owe any such compensation, or owing or about to owe any rent or compensation for the use or occupation of any grounds, premises or buildings or any part thereof, to which such order or judgment relates, and in respect of which such expenses embraced in such judgment related or were incurred, and may, at the time of such service, demand in writing that such rent, or any such compensation to the extent of such claim for such expenses, or for any such judgment or expenses in executing the same, when such rent or compensation becomes due and payable, be paid to the department.

§ 564-28.0 Payments to department.—After the service of such papers and such demand, any tenant, lessee, occupant, or other person owing, or about to owe, any such rent or any such compensation when it shall mature, or become payable, shall pay the same, and from time to time pay any other amount thereof, as the same may become due and payable, or so much thereof as is sufficient to satisfy any such judgment or claim for expenses, or both, so served, to the department, and a receipt shall be given therefor, stating on account of what order or judgment and expenses the same has been paid and received; and the amount so received shall be deposited where other funds of the department are kept, to the special account of the department.

§ 564-29.0 Refusal to pay department.—Any person or corporation refusing or omitting to make such payment to the department after service of such paper and demand, shall be personally liable to the department for the amount that should have been paid to it, and may by the department be sued therefor; and such persons shall not in such suit dispute or call in question the authority of the department to incur, or order such expense or the validity or correctness of such expenses of judgment in any particular, or the right of the department to have the same paid from such rent or compensation.

§ 564-30.0 Payment to department; effect.—The receipt of the department for any sum so paid, in all suits and proceedings, and for every purpose, shall be as effectual in favor of any person holding the same as actual payment of the amount thereof to the proper landlord, lessor, owner, or other person or persons who would, except for the provisions of section 564-28.0 of the code, and of such demand, have been entitled to receive the sum so paid. No tenant or occupant of any lot, building or premises, shall be dispossessed or disturbed, nor shall any lease or contract, or rights, be forfeited or impaired, nor any forfeiture or liability be incurred by reason of any omission to pay to any landlord, owner, lessor, contractor, party, or other person, the sum so paid to the department, or any part thereof.

§ 564-31.0 Department to retain moneys till twelve days after notice.—The department shall retain money so paid until twelve days after it shall be made to appear to it or some proper officer thereof, by satisfactory affidavit, that the party or parties, or his or their agent for the collection of any such rent or compensation, who, but for the provisions hereof would have been entitled to receive the same, has had written notice of such payment being made; and if at the end of such twelve days such party or parties, so notified, have not instituted suit to recover such money, then it shall, by the department be paid to the city treasurer.

§ 564-32.0 Infected and uninhabitable houses; vacation orders.—When-

ever it shall be certified to the department by an officer or inspector of the department that any building or any part thereof in the city is infected with communicable disease, or by reason of want of repair has become dangerous to life or is unfit for human habitation because of defects in drainage, plumbing, ventilation, or the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, the department may issue an order requiring all persons therein to vacate such building or part thereof for the reasons to be stated therein. The department shall cause such order to be affixed conspicuously in such building or part thereof and to be personally served on the owner, lessee, agent, occupant, or any person having the charge or care thereof. If the owner, lessee or agent can not be found in the city or does not reside therein, or evades or resists service, then such order may be served by depositing a copy thereof in the post-office in the city, properly enclosed and addressed to such owner, lessee or agent, at his last known place of business and residence, and prepaying the postage thereon; such building or part thereof within ten days after such order shall have been so posted and mailed, or within such shorter time, not less than twenty-four hours, as in such order may be specified, shall be vacated, but the department whenever it shall become satisfied that the danger from such building or part thereof has ceased to exist, or that such building has been repaired so as to be habitable, may revoke such order.

§ 564-33.0 Proceedings for condemnation.— Whenever any building or part thereof in the city, in the opinion of the department, by reason of:

1. Age, or
2. Defects in drainage, plumbing or ventilation, or
3. Infection with communicable disease, or
4. The existence of a nuisance on the premises, which is likely to cause sickness among its occupants, or among the occupants of other property in such city, or
5. Its stopping ventilation in other buildings, or otherwise making or conducting to make them unfit for human habitation, or dangerous or injurious to health, or
6. Its preventing proper measures from being taken for remedying any nuisance injurious to health, or
7. Other sanitary evils in respect of such other buildings,

is so unfit for human habitation that the evils in, or caused by such building, can not be remedied by repairs or otherwise except by the destruction of such building or a portion thereof, the department having first made an order to vacate such building, if it deem such course just and proper, may condemn the same and order it removed. The department may institute proceedings in the supreme court in the city for the condemnation of such building, provided, however, that the owner or owners of such building may demand that it be surveyed in the manner provided for in case of unsafe buildings.

§ 564-34.0 Institution of proceedings.— Such proceeding shall be instituted through a petition addressed to such court containing a brief statement of the reasons therefor, and shall not be required to contain further allegations of facts than those which have actuated the department in this proceeding, which shall then be carried on in the manner prescribed for a capital project proceeding by title B of chapter fifteen of the code. The owner of such building or any person interested therein may in his answer dispute the necessity of the destruction of such building or part thereof, as the case may be. In such case, the court shall not take steps to ascertain the value of the property unless proof is made of the necessity of such destruction.

§ 564-35.0 Admissible evidence.— In such proceeding, evidence shall be receivable by the court without a jury to prove:

1. That the rental of the building was enhanced by reason of the same being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates; or
2. That the building is in a state of defective sanitation, or is not in reasonably good repair; or
3. That the building is unfit, and not reasonably capable of being made fit, for human habitation.

§ 564-36.0 Amount of compensation.—If the court is satisfied by such evidence, then the compensation:

1. Shall in the first case, so far as it is based on rental, be on the rental of the building, as distinct from the ground rent, which would have been obtainable if the building was occupied for legal purposes, and only by the number of persons whom the building, under all circumstances of the case, was fitted to accommodate without such overcrowding as is dangerous or injurious to the health of the inmates; and

2. Shall in the second case be the amount estimated as the value of the building if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and

3. Shall in the third case be the value of the materials of the building.

§ 566-1.0 Inspection reports; publication.—The department may make and publish a report of the sanitary condition and the result of the inspection of any place, matter or thing in the city, so far as, in the opinion of the department, such publication may be useful.

§ 566-2.0 Inspection and removal of articles.—a. An officer or employee of the department shall visit and inspect all stores and places within the city which are suspected of containing putrid or unsound provisions or other articles unfit for human consumption or use or likely to communicate disease to the inhabitants, and make and sign a report in writing stating the stores, places and articles so inspected and the nature, state and situation thereof and his opinion in relation thereto. Such report shall be filed in an office of the department.

b. The department may by order direct the removal, to a place to be designated by it, of all things within the city which, in its opinion are unfit for human consumption or use or which shall be infected in any manner likely to communicate disease to the inhabitants.

c. Failure to comply with the provisions of this section shall constitute a misdemeanor, punishable by a fine of not exceeding two hundred fifty dollars, or imprisonment not exceeding six months, or both.

§ 567-1.0 Record of births, stillbirths and deaths.—a. The department shall keep a record of the births, stillbirths and deaths filed with it. The births, stillbirths and deaths shall be numbered separately and recorded in the order in which they are respectively received.

b. There shall be no specific statement on the record or report of birth as to whether the child is born in or out of wedlock or as to the marital name or status of the mother.

c. It shall be unlawful to demand or receive any fees by reason of the duties imposed by this section.

§ 567-2.0 Supplemental birth records.—a. A new birth record shall be made whenever:

1. Proof is submitted to the department that the previously unwed parents of a person have intermarried subsequent to the birth of such person;

2. Notification is received by the department from the clerk of a court of competent jurisdiction or proof is submitted of a judgment, order or decree relating to the parentage or adoption of the person.

b. On every birth record made because of adoption, a notation "by adoption" shall be entered.

c. When a new birth record is made the department shall substitute such new record for the birth record then on file. The department shall place the original birth record and the proof, notification and papers pertaining to the new birth record under seal. Seals shall not be broken except by order of a court of competent jurisdiction. Thereafter when a certified copy of the certificate of birth of such a person is issued, it shall be a copy of the new certificate of birth, except when an order of a court of competent jurisdiction shall require the issuance of a copy of the original certificate of birth.

§ 567-3.0 Certificate of registration of birth.—Within ten days after the receipt of the report of any birth, the department shall furnish, without charge, to the parents or guardian of the child or to the mother at the address designated by her for the purpose, a certificate of registration of birth. Such certificate of registration shall be issued on forms furnished by the department.

§ 567-4.0 Certified copies of records of birth, stillbirth, marriage and death; certifications of birth.—a. Upon request, the department shall issue a certified copy of the birth record or a certification of birth under the following conditions:

1. A certified copy of the record of birth shall be issued only upon order of a court of competent jurisdiction or upon a specific request therefor by the person, if of age, or by a parent or other lawful representative of the person to whom the record of birth relates. The department may issue a certified copy of a birth record for official use upon the request of a department, agency, or officer of any state government or subdivision thereof or the United States government.

2. Upon request in all other cases, a certification of birth shall be issued by the department unless it does not appear to be necessary or required for a proper purpose. A certification of birth shall contain only the name, sex, date of birth and place of birth of the person to whom it relates and none of the other data on the record of birth.

b. A transcript of a record of stillbirth, marriage or death, upon such forms as the department shall prescribe, shall be issued upon request unless it does not appear to be necessary or required for a proper purpose. The board may prescribe reasonable fees for searches made of records of birth, stillbirth, marriage or death, and the usual fees for copies of records to be paid for certifications of birth and for transcripts of records of birth, stillbirth, marriage or death, and in what cases the payment of fees may be waived.

c. The United States census bureau may obtain, without expense to the city, transcripts of records of births, stillbirths and deaths without payment of fees here prescribed for use solely as statistical data. Any copy of the record of a birth, stillbirth, marriage or death, or any certificate of registration of birth, or certification of birth, when properly certified by the commissioner or persons authorized to act for him, shall be *prima facie* evidence of the facts therein stated, in all courts, and places, and in all actions, proceedings or applications, judicial, administrative or otherwise; and any such certificate of registration of birth or certification of birth shall be accepted with the same force and effect with respect to the facts therein stated as the original birth record or a certified copy thereof.

[See the Administrative Code of the City of New York, Chapter 18, entitled "Police Department" for the provisions contained in the following sections:

§434a-17.0 Detail of officers and men to assist department of health.
§435 - 2.0 Police department to cooperate with department of health.
§435 - 5.0 Unnecessary noises prohibited.
§435 - 6.0 Radios, phonographs and other sound devices; regulation, permits.]

APPENDIX (C)

Article 17-B of the

PUBLIC HEALTH LAW OF THE STATE OF NEW YORK

Relating to Certain Contagious (Venereal) Diseases
 (Added by Laws of 1918, Ch. 264, and as last
 amended by Laws of 1939, Ch. 210).

ARTICLE 17-B*

REGULATION OF CERTAIN CONTAGIOUS DISEASES

Section 343-gg.	Suspected persons.
343-hh.	Persons under arrest.
343-ii.	Treatment required.
343-jj.	Free treatment for infected persons.
343-kk.	Treatment only by physicians or on their prescriptions.
343-ll.	Reports and information confidential.
343-mm.	Penalties.
343-nn.	Definitions.

§343-gg. Suspected persons. Whenever the board of health or health officer of a health district shall have reasonable ground to believe that any person within the jurisdiction of such board or health officer is suffering from, or infected with, any infectious venereal disease and is likely to infect or to be the source of infection of any other person, such board of health or health officer shall cause a medical examination to be made of such person, for the purpose of ascertaining whether or not such person is in fact suffering from, or infected with, such disease, and every such person shall submit to such examination and permit such specimens of blood or bodily discharges to be taken for laboratory examinations as may be necessary to establish the presence or absence of such disease or infection, and such person may be detained until the results of such examinations are known, provided, that the required examination shall be made by the health officer, or, at the option of the person to be examined, by a licensed physician who, in the opinion of the health officer, is qualified for this work and is approved by him, and such licensed physician making such examination shall report thereon to the board of health, health department or health officer, but shall not issue a certificate of freedom from venereal disease to or for the person examined. Such suspected person may apply to a magistrate for an order restraining such examination and no examination shall then be made except upon order of such magistrate. Before such examination each suspected person shall be informed of this right and be given an opportunity to avail himself or herself thereof.

§343-hh. Persons under arrest. Every person arrested for vagrancy as defined under subdivisions three or four of section eight hundred and eighty-seven of the code of criminal procedure or under section one hundred and fifty of the tenement house law or under any statute or ordinance for any offense of the nature specified in subdivision four of section eight hundred and eighty-seven of the code of criminal procedure, or arrested charged with a violation of section one thousand one hundred and forty-six or one thousand one hundred and forty-eight of the penal law, or any person arrested for frequenting disorderly houses or houses of prostitution, shall be reported within twenty-four hours by the court or magistrate before whom such person is arraigned to the board of health or health officer of the health district in which the alleged offense occurred, and shall be examined in accordance with the provisions of the preceding section. For purpose of examination and diagnosis as provided in the preceding section, such person may be detained until the results of such examination are known. No such person if convicted shall be released from the jurisdiction of such court

* The sections in this article were formerly numbered 343-m to 343-t and were re-numbered as above by Laws of 1939, Chapter 210, effective April 5, 1939, but in Sections 343-ii and 343-mm reference is still made to the old numbered sections as Chapter 210 failed to make these necessary changes.

or magistrate until the person so convicted has been examined as provided for in the preceding section.

§343-ii. Treatment required. Every person who, by the examinations as provided for in section three hundred and forty-three-m*, is found to be suffering from, or infected with any venereal disease, or who is reported to the health officer as suffering from or infected with venereal disease, shall be required by the board of health, or the health officer of the health district in which such person resides, to conform to rules and regulations of the state sanitary code, and, in the city of New York of the sanitary code of the board of health of said city. Such rules and regulations may provide for the isolation and treatment of persons so infected and the local board or health officer shall in that case define the place and limits of the area within which such persons shall be isolated, and the conditions under which such isolation and treatment shall be terminated. Any of such rules and regulations may be reviewed in the courts and tested as to reasonableness in a proceeding instituted by any person directed to conform therewith pursuant to this article.

§343-jj. Free treatment for infected persons. Any person who is suffering from a venereal disease who is unable to pay for treatment may make application for care and treatment to the board of health or health officer of the health district in which such person resides and such board or health officer shall promptly institute treatment. It shall be the duty of each county and city board of health to provide facilities adequate for the diagnosis, care and treatment of persons suffering from venereal disease, who are unable to pay for treatment by a private physician, which facilities shall meet such standards as may be prescribed by the state commissioner of health.

§343-kk. Treatment only by physicians or on their prescriptions. No person, other than a licensed physician, shall treat or prescribe for a case of venereal disease, or dispense a drug, medicine or remedy for the treatment of such a disease except on prescription of a duly licensed physician. Such prescription shall be retained by the person dispensing such drug, medicine or remedy, and no copy of such prescription shall be made by or delivered to any person, and such prescription shall be filled but once.

§343-ll. Reports and information confidential. All reports or information secured by a board of health or health officer under the provisions of this article shall be absolutely confidential except in so far as is necessary to carry out the purposes of the article.

§343-mm. Penalties. Any person who shall violate any of the provisions of this article or any rule or regulation made and approved under the provisions of section three hundred and forty-three-o* shall be guilty of a misdemeanor. Any person who, knowing himself or herself to be infected with venereal disease, such as chancroid, gonorrhea or syphilis, in any of the variations or stages of such diseases, has sexual intercourse with a person in the military or naval service of the state or of the United States shall be guilty of a felony.

§343-nn. Definitions. The term "health district" as used in this article shall mean a city, town, village or consolidated health district having a separate board of health.

* Should be §343-gg and §343-mm respectively. See footnote on page 115.

APPENDIX (D)

Section 18-d of the

PUBLIC HEALTH LAW OF THE STATE OF NEW YORK

Relating to Serological Blood Tests for Syphilis of Pregnant Women
(Added by L.1938, Ch.133, in effect March 18, 1938).

§18-d. Serological blood test for syphilis of pregnant women. Every physician attending pregnant women in the state during gestation shall in the case of every woman so attended take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women in the state but not permitted by law to take blood tests, shall cause a sample of the blood of such pregnant woman to be taken by a duly licensed physician and submitted to an approved laboratory for a standard serological test for syphilis. The term "approved laboratory" means a laboratory approved for this purpose by the state department of health, or in the city of New York by the department of health of such city. A standard serological test for syphilis is one recognized as such by the state department of health or in the city of New York by the New York city department of health.

APPENDIX (E)

Sections 13 to 15 inclusive of the
DOMESTIC RELATIONS LAW OF THE STATE OF NEW YORK
Relating to Serological Blood Tests for Licensing and
Solemnization of Marriages*
 (As amended by L. 1939, Ch. 110).

§13. Marriage licenses. It shall be necessary for all persons intending to be married to obtain a marriage license from the town or city clerk of the town or city, and in the city of New York from the city clerk or the deputy city clerk of the borough of said city in which the woman to be married resides and to deliver said license, within sixty days to the clergyman or magistrate who is to officiate before the marriage can be performed. If the woman or both parties to be married are non-residents of the state such license shall be obtained from the clerk of the town or city in which the marriage is to be performed; or, if the woman to be married resides upon an island located not less than twenty-five miles from the office or residence of the town clerk of the town of which such island is a part, and such office or residence is not on such island such license may be obtained from any justice of the peace residing on such island, and such justice, in respect to powers and duties relating to marriage licenses, shall be subject to the provisions of this article governing town clerks and shall file all statements or affidavits received by him while acting under the provisions of this section with the town clerk of such town.

§13-a. Physician's examination and serological test of applicant for marriage license. 1. Except as herein otherwise provided, no application for a marriage license shall be accepted by the town or city clerk unless accompanied by or unless there shall have been filed with him a statement or statements signed by a duly licensed physician or by a commissioned medical officer of the United States army, navy or public health service that each applicant has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made on a day specified in the statement, which shall be not more than the thirtieth day prior to that on which the license is applied for, and that in the opinion of the physician the person therein named is not infected with syphilis, or if so infected is not in a stage of that disease whereby it may become communicable.

2. Because of emergency or other cause shown by affidavit or other proof, a justice of the supreme court or the county judge of the county in which the woman resides, or, if such woman is between fourteen and sixteen years of age, the judge of the children's court of such county, if satisfied that the public health and welfare will not be injuriously affected thereby, may make an order, in his discretion, on joint application of both of the parties desiring the marriage license, dispensing with the requirements of subdivision one of this section as to either or both of the parties, including the laboratory statement specified below, or, the statement or statements provided for by such subdivision having been filed, extending the thirty-day period following the examination and test to not later than a day specified, which, however, shall be not more than ninety days after the examination and test. The order shall be accompanied by a memorandum in writing of the judge or justice reciting his reasons for granting the order. Application for such extension may be made before, on or after the expiration of such thirty-day period. The order, and the accompanying memorandum, shall be filed with the town or city clerk, and he then shall accept and consider application for the marriage license without the production or filing of any of the physicians' statements dispensed with by the order, or shall accept and consider the application within any such extended period, as the case may

* The provisions of the Domestic Relations Law relative to a standard serological test for the discovery of syphilis of each applicant for a marriage license were added by Ch. 640, L. 1938, effective July 1, 1938, and amended as above by Ch. 110, L. 1939, effective June 1, 1939.

be. The clerk shall hold such memorandum of a judge or justice in absolute confidence.

3. Each physician's statement shall be accompanied by a statement from the person in charge of the laboratory making the test, or from some other person authorized to make such statement, setting forth the name of the test, the date it was completed and the name and address of each person whose blood was tested, but not stating the results of the test. The physician's statement and the laboratory statement shall be on the same form sheet. The applicant shall sign his or her name on this form. Upon a separate form a detailed report of the laboratory test, showing the result of the test, shall be transmitted by the laboratory to the physician, and a copy of this report shall be submitted to the district state health officer, or, in a city of over fifty thousand population, or in a county health district, to the department of health of such city, or county as the case may be, and it shall be held in absolute confidence and shall not be open to public inspection; provided that it shall be produced for evidence at a trial or proceeding in a court of competent jurisdiction, involving issues in which it may be material and relevant, on an order of a justice or judge of such court requiring its production.

4. A standard serological test shall be a laboratory test for syphilis approved by the state commissioner of health and shall be performed by the state department of health, or in the city of New York by the department of health of such city, or at a laboratory approved for this purpose by the state department of health or, in the city of New York, by the department of health of such city.

5. Any applicant for marriage license, any physician or any representative of a laboratory who shall misrepresent any of the facts called for by the physician's statement and the laboratory report or statement, or any licensing officer who shall have reason to believe that any of the facts have been misrepresented and shall nevertheless issue a marriage license, or any district state health officer or his employee or any employee or official of a department of health who shall not hold the laboratory record confidential, except as provided in subdivision three hereof with respect to its production for evidence on order of a justice or judge, or any town or city clerk or his deputy or employee who shall not hold in strictest confidence the statement filed with him as to the reasons for the granting of an order under subdivision two, shall be guilty of a misdemeanor and punishable accordingly. The provisions of section twenty-two of this chapter shall not apply to the punishment for offenses specified in this subdivision.

6. Nothing in this section shall impair or affect existing laws, or rules, regulations or codes made by authority of law, relative to the reporting of cases of syphilis discovered by physicians.

7. This section shall not apply to either the man or woman, when the woman is pregnant at the time of application for the marriage license.

8. Nothing in this section shall prevent a couple already legally married from applying for and receiving a marriage license for the purpose of a second or subsequent ceremony. If requested by either party applying for such a license, the town or city clerk shall keep the contents of the application and the license issued thereunder confidential and the record of the marriage thereof shall not be open for public inspection. In case such a couple does apply for a marriage license for an additional ceremony, the provisions of this section requiring serological test and the related statement of a physician or medical officer and the provisions of section thirteen-b shall not apply and shall be disregarded by the city or town clerk. Section thirteen and fifteen, however, shall apply to the issuance of such a license, except that such clerk shall note on the license issued by him the following: "This license is to be used only for the purpose of a second or subsequent marriage ceremony."

§13-b. Time within which marriage may be solemnized. A marriage shall not be solemnized within three days from the date on which the specimen was taken for the serological test of the contracting parties provided for by section thirteen-a of this chapter prior to the issuance of the marriage license, and not until twenty-four hours after the issuance of the marriage license, or, if such examination and test shall be dispensed with by order of a judge or justice or shall not be required pursuant to such section, within three days from the date of issuance of the marriage license therefor, unless authorized by an order of a court of record as hereinafter provided, nor shall it be solemnized after sixty days from the date of the issuance of the marriage license. Every license to

marry hereafter issued by a town or city clerk, in addition to other requirements specified by this chapter, must contain a statement of the day and the hour the license is issued and the period during which the marriage may be solemnized. It shall be the duty of the clergyman or magistrate performing the marriage ceremony, or if the marriage is solemnized by written contract, of the judge before whom the contract is acknowledged, to annex to or endorse upon the marriage license the date and hour the marriage is solemnized. A judge or justice of the supreme court of this state or the county judge of the county in which the woman to be married resides, or if such woman is between fourteen and sixteen years of age, the judge of the children's court of such county, if it shall appear from an examination of the license and any other proofs submitted by the parties that one of the parties is in danger of imminent death, or by reason of other emergency public interest will be promoted thereby, or that such delay will work irreparable injury or great hardship upon the contracting parties, or one of them, may make an order authorizing the immediate solemnization of the marriage and upon filing such order with the clergyman or magistrate performing the marriage ceremony, or if the marriage is to be solemnized by written contract, with the judge before whom the contract is acknowledged, such clergyman or magistrate may solemnize such marriage, or such judge may take such acknowledgment as the case may be, without waiting for such three day period and twenty-hour hour period, or either one of them to elapse. The clergyman, magistrate or judge must file such order with the town or city clerk who issued the license within five days after the marriage is solemnized. Such town or city clerk must record and index the order in the book required to be kept by him for recording affidavits, statements, consents and licenses, and when so recorded the order shall become a public record and available in any prosecution under this section. A person who shall solemnize a marriage in violation of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars for each offense, and in addition thereto, his right to solemnize a marriage shall be suspended for ninety days.

§14. Town and city clerks to issue marriage licenses; form. The town or city clerk of each and every town or city in this state is hereby empowered to issue marriage licenses to any parties applying for the same who may be entitled under the laws of this state to apply therefor and to contract matrimony, authorizing the marriage of such parties, which license shall be substantially in the following form:

State of New York,
County of.....
City or town of.....

Know all men by this certificate that any person authorized by law to perform marriage ceremonies within the state of New York to whom this may come, he, not knowing any lawful impediment thereto, is hereby authorized and empowered to solemnize the rites of matrimony between.....
.....ofin the county of.....
and state of New York andin the county of.....and state of New York and to certify the same to be said parties or either of them under his hand and seal in his ministerial or official capacity and thereupon he is required to return his certificate in the form hereto annexed. The statements endorsed hereon or annexed thereto, by me subscribed, contain a full and true abstract of all of the facts concerning such parties disclosed by their affidavits or verified statements presented to me upon the application for this license.

In testimony whereof, I have hereunto set my hand and affixed the seal of said town or city at.....this.....day of.....nineteen....., at.....m. Seal.

The form of the certificate annexed to said license and therein referred to shall be as follows:

I, a, residing atin the county ofand state of New York do hereby certify that I did on this.....day of.....in the year A.D., nineteen.....at.....m, atin the county ofand state of New York, solemnize the rites of matrimony between.....ofin the county ofand state of New York, and

..... of in the county of and state of New York in the presence of and as witness, and the license therefor is hereto annexed.

Witness my hand in the county of this day of A.D., nineteen
In the presence of
.....

There shall be endorsed upon the license or annexed thereto at the end thereof, subscribed by the clerk, an abstract of the facts concerning the parties as disclosed in their affidavits or verified statements at the time of the application for the license made in conformity to the provisions of section fifteen of this chapter, together with a statement, so subscribed, that such application was accompanied by papers complying with the applicable requirements of section thirteen-a of this chapter, relative to examination and health of the parties, or, if such compliance was dispensed with, wholly or partly, by order of a judge or justice, a statement to that effect.

There shall also be stated upon the license the exact period during which the marriage may be solemnized.

The license issued, including the abstract of facts, and the certificate duly signed by the person who shall have solemnized the marriage therein authorized, shall be returned by him, and where the marriage is solemnized by a written contract, the judge before whom acknowledgment is made shall also forward such contract to the office of the town or city clerk who issued the license within five days succeeding the date of the solemnizing of the marriage therein authorized and any person or persons who shall wilfully neglect to make such return within the time above required shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than fifty dollars for each and every offense.

§15. Duty of town and city clerks. It shall be the duty of the town or city clerk when an application for a marriage license is made to him to require each of the contracting parties to sign and verify a statement or affidavit before such clerk or one of his deputies, containing the following information. From the groom: Full name of husband, color, place of residence, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage. From the bride: Full name of bride, place of residence, color, age, occupation, place of birth, name of father, country of birth, maiden name of mother, country of birth, number of marriage.

The said clerk shall also embody in the statement if either or both of the applicants have been previously married, a statement as to whether the former husband or husbands or the former wife or wives of the respective applicants are living or dead and as to whether either or both of said applicants are divorced persons, if so, when and where and against whom the divorce or divorces were granted and shall also embody therein a statement that no legal impediment exists as to the right of each of the applicants to enter into the marriage state. The town or city clerk is hereby given full power and authority to administer oaths and may require the applicants to produce witnesses to identify them or either of them and may examine under oath or otherwise other witnesses as to any material inquiry pertaining to the issuing of the license, and if the applicant is a divorced person the clerk may also require the production of a certified copy of the decree of the divorce, or proof of an existing marriage of parties who apply for a license to be used for a second or subsequent ceremony; provided, however, that in cities of the first class the verified statements and affidavits may be made before any regular clerk of the city clerk's office designated for that purpose by the city clerk.

If it appears from the affidavits and statements so taken, that the persons for whose marriage the license in question is demanded are legally competent to marry, the said clerk shall issue such license except in the following cases. If it shall appear upon an application that the applicant is under twenty-one years of age, before the town or city clerk shall issue a license, he shall require documentary proof of age in the form of an original or certified copy of a birth record, a certification of birth issued by the state department of health, a local registrar of vital statistics or other public officer charged with similar duties by

the laws of any other state, territory or country, a baptismal record, passport, automobile driver's license, life insurance policy, employment certificate, school record, immigration record, naturalization record or court record, showing the date of birth of such minor. If the town or city clerk shall be in doubt as to whether an applicant claiming to be over twenty-one years of age is actually over twenty-one years of age, he shall, before issuing such license, require documentary proof as above defined. If it shall appear upon an application of the applicants as provided in this section or upon information required by the clerk that the man is under twenty-one years of age and is not under sixteen years of age, or that the woman is under the age of eighteen years and is not under fourteen years of age, then the town or city clerk before he shall issue a license shall require the written consent to the marriage from both parents of the minor or minors or such as shall then be living, or if the parents of both are dead, then the written consent of the guardian or guardians of such minor or minors. If one of the parents has been missing and has not been seen or heard from for a period of one year preceding the time of the application for the license, although diligent inquiry has been made to learn the whereabouts of such parent, the town or city clerk may issue a license to such minor upon the sworn statement and consent of the other parent. If the marriage of the parents of such minor has been dissolved by decree of divorce or annulment, the consent of the parent to whom the court which granted the decree has awarded the custody of such minor shall be sufficient. If there is no parent or guardian of the minor or minors living to their knowledge then the town or city clerk shall require the written consent to the marriage of the person under whose care or government the minor or minors may be before a license shall be issued. The parents, guardians, or other persons whose consent it shall be necessary to obtain before the license shall issue, shall personally appear and acknowledge or execute the same before the town or city clerk, or some other officer authorized to administer oaths and take acknowledgments provided that where such affidavit or acknowledgment is made before an official other than the town or city clerk, the consent with a certificate attached showing the authority of the officer to take acknowledgments must be duly filed with the town or city clerk.

If it shall appear upon an application for a marriage license that the woman is under the age of sixteen years and is not under fourteen years of age, the town or city clerk shall require, in addition to the consents provided in this section, the written approval and consent of a judge of the children's court, having jurisdiction over the town or city in which the application is made, to be attached to or endorsed upon the application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of two dollars, which sum shall be paid by the applicants before or at the time the license is issued. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health fifty cents of the amount received for each fee collected, which shall be paid into the state treasury as provided by section thirty-seven of the state finance law. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of the article the clerk of any city with the approval of the governing body of such city is hereby authorized to designate in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine

applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated is hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation.

APPENDIX (F)
Article 12 of the
LABOR LAW OF THE STATE OF NEW YORK
Relating to Bakeries and Confectioneries

ARTICLE 12

BAKERIES AND MANUFACTURE OF FOOD PRODUCTS*

Section	330.	Definitions.
	331.	Building requirements.
	332.	Maintenance and operation.
	333.	Employment of diseased bakers prohibited.
	334.	Owners and occupiers; respective duties.
	335.	Manufacture of other food products.
	336.	Provision for sealing up bakeries.
	337.	Sanitary certificates.
	338.	Cellar bakeries.
	339.	Enforcement of article.

§330. Definitions.— Whenever used in this chapter:

1. "Bakery" means a building, room, or place used for making, preparing or baking bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni or spaghetti to be sold or consumed on or off the premises, except kitchens in hotels, restaurants, boarding houses and private residences, wherein all such products are consumed exclusively on the premises; and with respect to the provisions of this chapter relating to machinery, safety devices and sanitary conditions includes hotel bakeries. A bakery is a factory within the meaning of this chapter.
2. "Cellar" means a room or part of a building which is more than one-half its height below the level of the curb or ground adjoining the building, excluding areaways.
3. "Owner" means the owner of the premises, the lessee of the whole thereof, or the agent in charge.
4. "Occupier" means the person in possession of the premises and conducting the bakery therein.

§331. Building requirements.— 1. A bakery shall have proper and sufficient drains, sinks, clean running water, and properly ventilated waterclosets. The waterclosets shall be apart from and shall not open directly into the bakery or rooms where the raw material or manufactured product thereof is stored or sold.

2. A bakery shall have adequate windows and, if required by the rules of the board, hoods and pipes or other means for ventilating ovens and ash pits.

3. A bakery shall be at least eight feet in height measured from the surface of the finished floor to the underside of the ceiling, except that any cellar or basement of less height which was used for a bakery on the second day of May, eighteen hundred and ninety-five, need not conform to this provision.

4. The flooring shall be of smooth even cement, or tiles laid in cement, or wood, and shall be free from crevices and holes. The side walls and ceilings shall be either plastered, ceiled or wainscoted.

§332. Maintenance and operation.— 1. Every part of a bakery, its equipment, plumbing, and the yards and areaways adjoining, shall be kept in good repair, in sanitary condition and free from vermin. All furniture, troughs and utensils shall be so constructed and arranged as not to prevent cleaning them or any part of the bakery. All interior woodwork, walls and ceilings shall be painted or lime-washed once every three months, where so required by the commissioner.

2. Sanitary receptacles shall be used for coal, ashes, refuse and garbage. The contents of the receptacles for refuse and garbage shall be removed daily. Mechanical means of ventilation, when provided, shall be effectively used and operated. Windows, doors and other openings shall be properly screened. Lockers shall be provided for the street clothes of employees.

* See Section 59 Multiple Dwelling Law for bakeries in multiple dwellings.

3. No person shall use or be permitted to use tobacco in any form in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

4. No person shall sleep or be permitted to sleep and no domestic animals, except cats, and no birds, shall be allowed to remain in a bakery or room where the raw material or manufactured product of the bakery is stored or sold.

5. Every person while engaged in the manufacture and handling of bakery products shall wear a clean suit and clean shoes or slippers. The suit shall be of washable material and used for that work only.

§333. Employment of deceased bakers prohibited.—No person who has a communicable disease shall work or be permitted to work in a bakery. Whenever required by a medical inspector of the department, a person working in a bakery shall submit to a physical examination by such inspector. No person who refuses to submit to such examination shall work or be permitted to work in a bakery.

§334. Owners and occupiers; respective duties.—The owner shall comply with section three hundred and thirty-one, and the occupier with sections three hundred and thirty-two and three hundred and thirty-three, unless by a lease the other party thereto has agreed to comply with any provision of such sections and duplicate original of such lease has been previously filed with the commissioner, in which event the party assuming responsibility shall be liable for compliance.

§335. Manufacture of other food products.—1. Every factory wherein a food product is manufactured shall be kept in a sanitary condition and properly lighted and ventilated and the food product prepared therein protected from contamination.

2. Every basement or cellar used as a confectionery or ice cream manufacturing shop shall be not less than seven feet high measured from the surface of the finished floor to the under side of the ceiling, except that any cellar or basement which is more than six feet high and was so used before October first, nineteen hundred and six, need not conform to this section. The board may apply any or all of the provisions of this article to a factory located in a cellar wherein any food product is manufactured.

§336. Provision for sealing up bakeries.—If the commissioner finds a bakery or any part thereof to be unsanitary, he may on forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of the bakery, order the person found in charge thereof to cease operating it until it shall be properly cleaned, drained and ventilated. If such order is not complied with, the commissioner may upon filing in his office a written order stating the reasons therefor and without further notice fasten up and seal the oven or other cooking apparatus of the bakery and affix to all materials and equipment labels or conspicuous signs bearing the word "unclean." Such seal, labels and signs shall be removed only by the commissioner and not until the bakery is in a sanitary condition.

§337. Sanitary certificates.—1. No person shall establish or operate a bakery without a sanitary certificate. The certificate shall be kept posted in a conspicuous place in the bakery.

2. The person establishing or operating the bakery shall apply to the commissioner for a certificate within ten days after the bakery commences business. The application shall be made upon a blank furnished by the commissioner. No bakery shall operate for more than thirty days after commencing business without a certificate.

3. Before issuing a certificate the commissioner shall inspect the bakery. If it conforms to articles eleven and twelve of this chapter and the rules of the board, the commissioner shall issue a sanitary certificate for a period of one year and renewable annually upon reinspection showing compliance with the aforesaid provisions and rules, except that in the city of New York such sanitary certificate shall be operative until revoked or suspended after hearing.

4. The certificate may be revoked or suspended by the commissioner if the health of the community or of the employees of the bakery requires such action, or if an order of the commissioner is not complied with within fifteen days after the service thereof upon the person charged with the duty of compliance. Nothing contained in this subdivision shall limit the power of the commissioner to seal up an unsanitary bakery under the preceding section.

5. If an application for a certificate is denied or if a certificate is revoked or suspended, the commissioner shall file in his office the reasons for his action.

6. If a bakery has no certificate or if the certificate has been revoked or suspended, the commissioner may upon filing an order stating the reasons therefor, without further notice, fasten up and seal the oven or other cooking apparatus of said bakery. Such seal shall be removed only by the commissioner and not until a certificate for the bakery has been issued.

§338. Cellar bakeries.—1. No bakery shall be located in a cellar which does not conform to all the provisions of this section, unless a certificate of exemption has been issued to the owner (a) upon satisfactory proof furnished the commissioner on or before November ninth, nineteen hundred and thirteen, showing that it was operated as a bakery on May ninth, nineteen hundred and twelve, or (b) upon satisfactory proof furnished the commissioner on or before the twenty-eighth day of February, nineteen hundred and fourteen, that it was in course of construction on the ninth day of May, nineteen hundred and thirteen, or that construction was commenced after the first day of January, nineteen hundred and thirteen, and completed on or before the ninth day of May, nineteen hundred and thirteen, and operated prior to the first day of January, nineteen hundred and fourteen.

2. The bakery shall be at least ten feet high, measured from the surface of the finished floor to the under side of the ceiling. If the bakery is located entirely in the front part of the building, its ceiling shall be not less than four feet and six inches above the curb level of the street in front of the building; if located entirely in the rear part of the building or extending from front to rear, the ceiling shall be not less than one foot above the curb level of the street in front of the building and the bakery shall open upon a yard or courts extending at least six inches below the floor level of the bakery.

3. The bakery shall be constructed according to plans and specifications approved by the commissioner and shall be adequately lighted and ventilated.

4. This section shall not prevent the health departments in cities of the first class from exercising any power of regulation now or hereafter vested in them.

§339. Enforcement of article.—1. The commissioner shall, except in cities of the first class, enforce the provisions of this article.

2. In cities of the first class, the Health Departments thereof shall enforce the provisions of this article and for that purpose shall possess all powers conferred by this chapter upon the commissioner or the industrial board.

3. The rules of the board relative to carrying into effect the provisions of this article shall not apply in cities of the first class.

INDEX TO SANITARY CODE

INDEX TO SANITARY CODE

	Section
ABORTIONS (Criminal), duty to report	86, 90
ACTS	
Detimental to public health (misfeasance and nonfeasance)	181
Tending to promote spread of disease, prohibited	100
ADULTERATIONS	
Almond paste	139-d
Authority to seize and destroy milk	153
Beverages and drinks	139-b
Butter	151, 152
Carbonated beverages and drinks	139-b
Cheese	151, 151-a
Condensed milk	154
Confectionery	139 sub. 7
Cream	151, 152
Drugs	116
Food (in general)	139
Frozen desserts	176
Gelatin (food)	178
Ice cream and ice cream mix	176
Kernel paste	139-d
Meat, processed, water added	140-a
Milk	151, 152, 153
Sausages	139-a
Shellfish	171
Sherbet and ices	176
AGENCY	
Blood donors, permit	109
Giving day care to children, permit	198
Sending children to camp, to register	217-a
ALCOHOL	
Amount used in drugs to be stated on label	116
Denatured, sale regulated	131
Distilling of, permit	332
Medicated, sale regulated	130
Wood (Methyl), poisoning to be reported	92
Wood (Methyl), sale regulated	124
ALMOND PASTE, sale of, regulated	139-d
AMUSEMENT PLACE—defined as “public place”	2
ANCYLOSTOMIASIS (hookworm disease), to be reported	86
ANILINE DERIVATIVE	
Occupational poisoning by, to be reported	92
Use in hair dyes, etc., regulated	128
ANIMALS	
Bears, prohibited	22
Birds—see “Birds”	
Bites of, to be reported	10
Carcasses, sale regulated	160, 172
Cats, sale or, permit	18
Cattle:	
condemnation authorized	137
not to be killed in overheated condition	161
food, water and ventilation for	14
permit to keep	11
slaughter of, regulated, permit	325
slaughter of, restricted	326
transporting of, restricted	15

ANIMALS—Continued

Condemnation of, authorized	137
Cows:	
permit for keeping	12
tuberculin test; certificate of	13
Dead:	
boats docking with, regulated	245
boiling of, restricted and regulated	323, 324
disposition of, restricted	234
filling in land with, prohibited	252
horses to be tagged	9
interference with	7
placing in street or public waters	8
reporting and removal of, when not fit for food	6
sale of, regulated	162
skinning of, restricted and regulated	323, 324
removal of, with dispatch and inoffensive manner	243
vehicles for removal of, regulated	244
Diseased:	
bringing into city, prohibited	4
farcey and glanders to be reported, destruction	3
rabid, surrender of, and destruction	10
Dogs:	
bites, to be reported	10
nuisance from, prohibited	227
muzzling and leashing	17
sale of, regulated, permit	18
rabid, vicious, surrender and destruction	10
Foxes, prohibited	22
Glanders, reportable	3, 86
Geese, permit to keep	11
Goats, permit to keep	11
Hair for manufacture	230
Horses, permit to keep	11
Horses, to be tested for glanders	21
Horses, slaughter and sale regulated	327
Horse watering trough, prohibited	314
Lions, prohibited	22
Noise from, prohibited	215
Pigs, permit to keep	11
Poultry (live), permit to sell and permit to keep	19
Psittacine birds—see “Birds”	
Rabid, duty to report	10
Rabbits (live), permit to sell and permit to keep	19
Small, sale regulated, permit to keep	18
Sheep, permit to keep	11
Shelter for homeless, permit	16
Slaughter of, regulated, permit	325
Slaughter of, restricted	326
Snakes, prohibited	22
Stables for, regulated, permit	58
Swine, permit to keep	11
Wolves, prohibited	22
Wild animals, prohibited	22
ANTITOXINS—see “Biological Products”	
ANTHRAX, to be reported	86
ARSENIC, poisoning by—see “Occupational Diseases”	
ASHES	
Collection of, interference with	316

Section

ASHES—*Continued*

Defined	2
Discharge of, into outer air	212
Employees, Department of Sanitation, not to be interferred with	315
Receptacles	248
Receptacles of, interference with	249, 316
Removal of, regulated	248, 250
Sieved, agitated or exposed, prohibited	253
Transportation, regulated	240
Throwing into streets and vacant lots, prohibited	315
Vehicles spilling on streets, prohibited	317

AUTHORITY

Animals and food, condemnation and destruction	137
Drugs and cosmetics, condemnation and destruction	129
Food and drugs, to inspect	136
Milk and cream, seizure and destruction	153

AUTOMOBILES

Dense smoke, discharge of, prohibited	211
Loud and explosive noises, prohibited	229

BACTERIAL ORGANISMS

Insecticides, use thereof, prohibited	104 sub. (e)
Disease prevention or treatment, use regulated	120

BAKERY, defined

.....	2
-------	---

BAKERY STORE, conduct and maintenance

.....	150
-------	-----

BARBER SHOP

Hair dyes and cosmetics, use of, regulated	128
Fee for permit	191
Permit to conduct	335

BARBITAL DRUGS, defined and regulated

.....	126
-------	-----

BARRELS, unclean food receptacles prohibited

.....	180
-------	-----

BATHING ESTABLISHMENTS

Permit to maintain	340
Safeguards required, ocean	341

BATHROOMS, sleeping in, prohibited

.....	62
-------	----

BEAUTY PARLOR—see “Barber shop”

BEDDING

Conveying on public vehicle, restricted	302
Not to be cast into public waters	356
On vessels, regulated	359

BELLS, gongs, etc., noise from, prohibited

.....	228
-------	-----

BENZOL (benzine) and derivatives—see “Occupational Diseases”

BEVERAGE—see “Drinks”

BICHLORIDE OF MERCURY, sale regulated

.....	125
-------	-----

BIOLOGICAL PRODUCTS

Date of expiration and labelling	116 sub.(d)
Expiration date, not to be sold after	118-a

Free distribution, regulated	121
------------------------------------	-----

Living organisms, etc., use regulated	120
---	-----

	Section
BIRDS	
Carcasses, sale regulated	160, 172
Infected or exposed to psittacosis, to destroy immediately	20
Noise from, prohibited	215
Psittacine family, prohibited	20
Sale of, regulated, permit	18
BIRTHS —see “Live Births”	
BLEACHED FLOUR , to be marked	141-a
BLOOD (Human)	
Banks, regulated	108
Donors, voluntary and professional, regulated	108
Donor agencies, permit	109
Fee for donor agency, permit	191
BLOOD (Animal)	
Boats with, docking at piers, permit	245
Disposal into sewers, rivers, etc., prohibited	284
Storage of, permit	324
BOARD and care of children regulated, permit	197
BOARD OF HEALTH	
Defined	2
Orders and regulations to be obeyed	184
BOARDING HOUSE	
Defined	2
Overcrowding, prohibited	56
Seamen, illness of, to be reported	362
Toilets to be provided and maintained	284
BOATS —see “Vessels”	
BONES	
Collection and transportation of, permit	241
Boiling and grinding of, prohibited in Manhattan	323
Boiling and grinding of, regulated, permit	324
BOTTLES, CANS AND RECEPTACLES	
Milk and cream, regulated and restricted	159
Milk and cream, when empty, not to be contaminated	159-a
Throwing in street, prohibited	315
Unclean, used for food, prohibited	180
BRASS , poisoning from—see “Occupational Diseases”	
BUILDINGS	
Defined	183
Ceiling, to be clean	60
Cellar:	
defined	2
sleeping in, prohibited	62
dwelling purposes in, regulated	54
Cinders, dust, gas, steam, offensive odors from, prohibited	212
Conditions, dangerous or prejudicial to life, forbidden	52
Dense smoke from, prohibited	211
Demolition of, materials to be wet to lay dust	253
Drain, soil pipes, sewer connection, etc.—see “Plumbing, Drainage and Sewerage”	
Heating of	225
Nuisance conditions, dangerous to life or health	53, 183
Roofs and skylights, in good repair	59
Strength, ventilation, light and sewerage	52
Toilets to be provided	284
Walls and windows, in good repair	59
Walls, to be clean	60
Water tanks on roofs regulated	61

BURIALS—see “Deaths, Fetal Deaths and Dead Bodies”	Section
BUSINESS—see “Trades, Occupations and Businesses”, also particular subjects	
BUTCHER, defined	2
BUTCHER’S OFFAL	
Accumulation, retention and disposal of, regulated	242
Disposal of, restricted	234
Transportation of, regulated	239
BUTTER	
Defined, and adulterations of	152
Sale and manufacture, permit	151-a
Unwholesome, unclean, etc.	151
Whipped butter, permit to whip	151-c
BUTTERMILK AND CULTURED BUTTERMILK	
Defined	2
Sale at wholesale, permit	155
CADMIUM in faucets, tanks, fountains, etc., prohibited	145
CAMPS	
Agencies sending children to, required to register	217-a
Establishment and maintenance in City, permit	217
Trailer camps, regulated, permit	217-b
CANDY to be protected from dust, dirt, flies, etc.	142
CAISSON DISEASE—see “Occupational Diseases”	
CANNISTER AND GAS MASK FOR FUMIGATION	104 sub. (f)
CANS—see “ashes” also “Bottles, Cans and Receptacles”	
CANNED POULTRY—see “Foods”	
CARBOLIC ACID, sale regulated	123
CARBONATED DRINK—see “Drinks”	
CARBON DISULPHIDE, poisoning from—see “Occupational Diseases”	
CARBON MONOXIDE, poisoning from—see “Occupational Diseases”	
CARBON TETRACHLORIDE, poisoning from—see “Occupational Diseases”	
CARCASSES, sale restricted and regulated	160, 172
CARGO, discharge of, regulated	358
CARPETS, shaking or beating in the open	253
CARRIERS OF Communicable Disease—see “Communicable Diseases and Conditions”	
CARS—see “Railway cars and other Public Vehicles”	
CARTS—see “Ashes”, also “Garbage, Refuse and Rubbish”	
CATTLE—see “Animals”	
CATS—see “Animals”	
CELLAR—see “Buildings”	
CEMETERY AND CREMATORIAL	
New, permit	45
Persons in charge, to register	43
Weekly returns of receipt and disposition of bodies	44
CERTIFIED MILK—See “Milk and Milk Products”	

	Section
CESSPOOLS	
Contents, nuisance prohibited	235
Construction	287
Disinfection and removal of contents	236
Deposit of offal, garbage, etc., prohibited	237
Vehicles conveying contents	244
CHANCROID , to be reported	88
CHEESE —see “Food”	
CHEMICALS, ADDITION OF, TO WATER SUPPLY	
Business of, regulated, permit	170
Fee for permit	191
CHEMIST CERTIFICATE , presumptive evidence	188
CHICKEN POX (Varicella) , to be reported	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institutions	96
CHICKENS , permit to keep	19
CHILDREN	
Agencies giving day care to, regulated, permit	198
Board and care of, regulated, permit	197
Diseases requiring exclusion from school or agency giving day care	96
New born, prevention of ophthalmia neonatorum	201
School, certificate of admission	200
Vaccination of, duty of parents	199
CHOCOLATE FLAVORED DRINK AND CHOCOLATE MILK	
Definitions	2
Sale, other than retail, permit	155
Sale in bulk, prohibited, exception	159-c
CHOLERA (Asiatic)	
Duty to report	86
Isolation and quarantine	89
Isolation in institutions	96
CHURCH , ventilation and conditions	57
CIGARETTES, CIGARS AND TOBACCO	
Common cigar cutter, prohibited	343
Manufacture of, regulated	338
Smoking of, in subways prohibited	216
CINDERS , escape of, prohibited	12
CIRCULARS , distribution of, restricted	318
CLINICAL LABORATORY , regulated, permit	105
CLINICS FOR COMMUNICABLE DISEASE , regulated	102
COAL , sieving or agitating	253
COCOA FLAVORED DRINK AND COCOA MILK	
Definitions	2
Sale, other than retail, permit	155
Sale in bulk, prohibited, exception	159-c
COLD STORAGE —see “Food”	
COLORING —see “Food”	
COMMON TOWEL , use prohibited	214

COMMUNICABLE DISEASES AND CONDITIONS	Section
Abortions (criminal), to be reported	86, 90
Acts tending to promote spread of disease, prohibited	100
Carriers:	
foodhandler, prohibited	146
isolation of	89
isolation in institutions of diphtheria carrier-virulent	96
removal of, authorized and regulated	97
reporting of,	86
Children, exclusion from schools, etc.	94
Contacts, defined, isolation, quarantine and exclusion of, regulated	89
Contacts, teachers, instructors, etc., exclusion	95
Conveying through streets, permission	98
Diseases and conditions, to be reported	86
Disinfection, cleansing and renovation (concurrent and terminal)	101
D'spensary, duty to report persons affected with	86
Drug poisoning—due to self-medication, to be reported	86
Duty of every person to report persons affected with	87
Foodhandler in household, to be reported	86
Food poisoning (group of cases), to be reported	93
Exclusion of children from school, etc.	94
Exclusion of contacts regulated	89
Exclusion of teachers, instructors, etc.	95
Hospital, duty to report persons affected with	86
Hospital not to receive without permission	98
Institutions, duty to report persons affected with	86
Isolation room in institution to be provided, persons affected with, to be isolated	96
Isolation, quarantine of premises and exclusion of contacts	89
Manufacturing in homes, regulated	99
Occupational diseases and injuries:	
duty of employer to prevent	337
to be reported	86, 92
Physician, duty to report persons affected with	86
Quarantine of premises, regulated	89
Removal of persons affected with, authorized	97
Tuberculosis records, confidential	86
Undertaker, duty in certain communicable diseases	103
Venereal disease records, confidential	88
Vessels, sick seamen and passengers of, to be reported	351
(See also "Vessels")	
CONCENTRATED MILK—see condensed milk under "Milk and Milk Products."	
CONDEMNATION	
Food (cattle, sheep, swine, or other animals, fowl or other birds, meat, fish, etc.)	137
Drug, medicine, hair dye, cosmetic, toilet preparation, etc.	129
Milk and cream	153
CONDENSED MILK—see "Milk and Milk Products"	
CONDIMENTS AND CONFECTIONERY—defined as "food"	2
CONFIDENTIAL RECORDS	
Deaths, confidential medical report	33
Fetal deaths, supplementary medical report	32
Live birth, supplementary medical report	31
Proprietary and patent medicines	117
Tuberculosis report	86 sub. 3
Venereal disease reports	88
CONJUNCTIVITIS, acute, infectious, when reportable	86, 91, 201
CONTACTS (communicable disease), defined, exclusion and isolation regulated	89

	Section
CONTRACTOR	
Provide temporary privy during construction work	285
Must comply with provisions of sanitary code	182
COSMETICS	
Aniline derivative, regulated	128
Condemnation authorized	129
Contaminated, sale prohibited	118a
Hair dyes and toilet preparations regulated	128
Wood alcohol, prohibited	124
COUGHING AND SNEEZING , mouth and nose to be protected	226
COWS —see “ <i>Animals</i> ”	
CREAM —see “ <i>Milk and Milk Products</i> ”	
CREMATION OF DEAD BODIES , permit	42
CREMATORIUM —see <i>Cemetery and Crematory</i> ”	
CULTURE —see “ <i>Biological Products</i> ”	
DAY NURSERY , defined as “ <i>Agency giving day care to children</i> ”, permit ..	198
DEAD ANIMALS —see “ <i>Animals</i> ”	
DEATHS, FETAL DEATHS AND DEAD BODIES	
Confidential medical reports of deaths and fetal deaths.....	32, 33
Duty of person to report discovery of dead body	41
False certificates, statements, etc. forbidden	36
Forging certificates, forbidden	36
Fetal death defined	32
Funeral in certain diseases, regulated	103
Hospitals, to report, register to be kept	32, 33
Medical examiner, to report	32, 33
Midwife, to report fetal deaths, register to be kept	32
No fee to be charged for filing certificate	34
Not to be retained or exposed (dead bodies)	39
Not to be retained unburied	40
Order of commissioner, to file report	34
On boat and vessels, duty to report	357
Parents, when to report fetal death	32
Permit to carry or convey dead body, exception	37
Permit for interment, cremation or disposition	42
Physician to report, register to be kept	32, 33
Undertaker, duty in certain communicable diseases	103
Undertaker, duty to file certificates	32, 33
Definitions	2
DENSE SMOKE , prohibited	211
DIARRHEA in the new-born, when reportable	86
DIPHTHERIA	
Duty to report	86
Exclusion of children	94
Exclusion of teachers	95
Isolation, etc.	89
Isolation in institutions	96
DISINFECTION (concurrent and terminal)	101
DISEASES —see “ <i>Communicable diseases and conditions</i> ”	
DISEASED ANIMALS —see “ <i>Animals</i> ”	
DISHES , sterilization	144

DISPENSARIES, regulated (see also "Communicable diseases and conditions")	102
DOCKS, for garbage, etc., regulated	246
DOGS—see "Animals"	
DRAINAGE, DRAINPIPES—see "Plumbing, Drainage and Sewerage"	
DRIED MILK, defined	2
DRINKS	
Adulterated or misbranded, defined, prohibited	139-b
Cadmium, prohibited metal in taps, faucets, tanks, etc.	145
Drink as a food	2
Fraudulent representation	118
False and misleading labeling, prohibited	139-b
Fruit drinks, sale regulated, permit	165-a
Lead, prohibited metal in taps, faucets, tanks, etc.	145
Lemonade, sale regulated, permit	165-a
Manufacture and storage of, regulated	148
Non-alcoholic carbonated drink or beverage, defined	139-b
Orangeade, sale regulated, permit	165-a
Pushcarts, sale regulated, single service containers	144
Saccharin, to be declared	139-b
Sale under false name, prohibited	140
Soda water and soft drinks, sale regulated, permit	165-a
Unwholesome, prohibited	140
Utensils:	
use in common, prohibited	143
properly cleansed	144
weights and measures to be correctly stated	139-b
DRUGS AND MEDICINES	
Adulterated and misbranded, defined, prohibited	116
Alcohol—see "Alcohol"	
Barbital, or other hypnotic or somnifacient, defined and regulated	126
Bichloride of mercury, sale regulated	125
Biologicals—see "Biological Products"	
Carbolic acid, sale regulated	123
Condemnation of	129
Contaminated, defective, etc., prohibited	118-a
Distribution of samples of, regulated	119
Drugs, defined	116
Fraudulent representation, prohibited	118
Harmful drugs, defined and regulated	126-a
Hospitals, to label	220-a
Hypodermic syringe, unlawful possession	132
Inspection of, authorized	136
Manufacture and sale, regulated	116
Patent and proprietary, registration	117
Possession of, <i>prima facie</i> , for sale	138
Poison, sale and distribution, regulated	122
Poisoning by, (not suicidal) to be reported	86
Prescription:	
filing and manner of filing	117
ingredients not to be substituted for	118
required for bichloride of mercury	125
required for barbital, hypnotic, etc.	126
required for carbolic acid	123
required for harmful drugs	126-a
required for valerian or valerenate	127
Room, factory, etc., to be clean	147
Samples of, distribution, regulated	119
Streets, sale of, prohibited	119-a
Valerian or valerenate, sale of, regulated	127

	Section
DRY SWEEPING	
Public vehicles and places, prohibited	301
Sidewalks, prohibited	53
DUST	
Discharge of, prohibited	212
Removal from workrooms, suction devices to be provided	339
Sieving on streets, etc.	253
Sweeping into street after 8 A.M., prohibited	315
Sweeping of street, sprinkling of water required	53
DWELLING, sanitary conditions	54
DYSENTERY	
Amebic and Bacillary, to be reported	86
Isolation, etc.	89
EATING AND DRINKING UTENSILS	
Use in common, prohibited	143
Properly cleansed after use	144
EGGS —see “Food”	
ENCEPHALITIS , epidemic and acute, to be reported	86
EVAPORATED MILK —see condensed milk under “Milk and Milk Products”	
EVIDENCE	
Certificate of chemist, presumptive evidence	188
Possession of food or drugs, <i>prima facie</i> , deemed for sale	138
Possession of “spots” or “spot eggs,” <i>prima facie</i> , deemed for sale	331 sub. (b)
EXCLUSION FROM SCHOOL, ETC. —see “Communicable diseases and conditions”	
EXPOSURE TO DISEASE —see also “Communicable diseases and conditions”	
Animals not to be brought into City	4
Needless exposure, prohibited	100
School children and day agencies	94
School employees	95
EXTERMINATOR —see “Fumigants, Exterminators and Insecticides”	
EYES, new-born , prevention of ophthalmia neonatorum	201
FACTORY —see also specific subjects.	
Accommodations and safeguards, to be provided	55
Cleaning, heating, lighting and ventilation of, requirements	55
Definition of	2
Dust, gases, etc., suction devices to prevent	339
Manufacture and storage of food and drink, regulated	148
Occupational diseases, duty of employer to prevent	337
Overcrowding, prohibited	56
Responsibility, joint and several	51
Sanitary conditions, generally	55
Spitting, forbidden	213
Towel, use of in common, prohibited	214
Toilets, duty to provide and maintain	284
FALSE	
Application for permit or for any purpose, forbidden	187
Certificates of birth or death, forbidden	36
Drugs, false or fraudulent representation, prohibited	118
Food and drink, sale of, under false name or quality, forbidden	140
Return, report, or statement, in matter legally required, forbidden	187

	Section
FARCY —see “Animals”	
FAT RENDERING	
Permit	329
Restrictions concerning	324
FAUCETS AND FOUNTAINS , for food and drink, not to be made with cadmium or lead	145
FEATHERS , agitation or exposure, prohibited	253
FEES , for permits	191
FENCE , sunken lots to be provided with	251
FERTILIZER , manufacture restricted	324
FETAL DEATHS —see “DEAD BODIES, Deaths and Fetal Deaths”	
FILLING IN LAND with garbage, etc., prohibited	252
FISH	
Defined	2
Boiling of, business regulated, permit	324
Refuse from, to be removed daily	247
Sale of in streets, regulated	150-a
Shellfish—see “Food”	
Smoking and preparing of, regulated, permit	330
Unwholesome, sale of, prohibited	160, 163
FLOUR	
Bleached, to be marked	141-a
FLUORIDE , sale of, regulated	104
FOOD	
Adulterated and misbranded, defined, prohibited	139
Animals:	
dead, sale of, regulated	162
diseased, sale prohibited	139 sub. 4, 163
Almond paste, adulterated and misbranded, prohibited	139-d
Butter:	
defined, adulteration of	152
sale and manufacture of, permit	151-a
unwholesome, unclean, etc.	151
whipped, permit to whip	151-c
Canned poultry or poultry products, regulated	163
Canned eggs, regulated	331 sub. (b)
Carcasses of calves, pigs and other animals, inspection and sale, regulated	160, 172
Cheese:	
adulterated, prohibited	151
cream, defined	151-a
sale and manufacture of, permit	151-a
Cold storage:	
defined	71
fact of storage, to be represented	74
marking of	72
released, not to be returned again to	74
time limit for storing in	73
Coloring:	
beverages and drinks	139-b
food, in general	139 sub. 5
frozen desserts (ice cream, etc.)	176
gelatin, food	178
sausage	139-a

FOOD—Continued	Section
Cream—see “Milk and Milk Products”	
Drink—see “Drinks”	
Eggs:	
breaking out, business regulated, permit	331
canned, frozen, dried and broken, regulated	331 sub. (a)
sale of, at wholesale, permit	151-a
spot and spot eggs, defined, sale prohibited, presumption of sale	331 sub. (b)
Exterminators and insecticides (food establishments)	104
False name or quality, not to be sold under	140
Fish:	
defined	2
refuse from, to be moved daily	247
sale of, in street, regulated	150-a
smoking and preparation of, regulated, permit	330
unwholesome, sale of, prohibited	160, 163
Flour, bleached; to be labelled	141-a
Food poisoning (group of cases), to be reported	93
Fowl:	
defined as “meat”	163
sickly, diseased, not to be brought into City	160
Frozen desserts (ice cream) and ice cream mix adulteration and misbranding	176
definitions	175
manufacture and sale, regulated	175
permit to manufacture, etc.	177
permit fees	191
Gelatin (food), defined, sale of, regulated	178
Imitation milk and cream, prohibited	179
Inspection of, authorized	136
Inspection of carcasses and poultry	172
Kernel paste, adulterated and misbranded, prohibited	139-d
Manufacture and storage of	148
Meat:	
defined	2, 163
adulterated processed meat	140-a
carcasses, sale regulated	160, 172
dead animals, sale regulated	162
horse flesh, slaughter and sale	327
pumping device on vehicles, prohibited	140-a
smoking and preserving of, regulated, permit	330
unsound and unwholesome, sale prohibited	163
Milk—see “Milk and Milk Products”	
Poisonous, deleterious, etc., prohibited	141, 147
Possession of, prima facie, for sale	138
Poultry	
defined	19
canned; unwholesome prohibited	163
sale and inspection	172
sickly, not to be brought into city	160
unsound, sale prohibited	163
Live:	
keeping and sale of, permit	19
slaughter of, permit	325
slaughter of, permit fee	191
Preservatives:	
Drinks containing prohibited preservatives, adulteration	139-b
Use of, in food to be declared	139 sub. 6
Protection of, from dust, dirt, flies, etc.	142
Receptacles of, to be clean	180
Restaurant, for sale of	149
Sale of, at wholesale, regulated	148
Stores, care and sale of, regulated	150

FOOD—Continued

	Section
Sausages:	
adulterated and misbranded, prohibited	139-a
manufacture and preparing of, permit	330
Shellfish:	
adulterated and misbranded, prohibited	171
condemned areas, taking from, prohibited	164-a
defined, sale regulated, permits and registration	164
refuse from, to be removed daily	247
sale in streets, prohibited, exception	150-a
Smoking and preserving meats, sausage and meats, regulated, permit	330
Soft drinks, sale regulated, permit (see also "Drinks")	165-a
Syrup, manufacture, permit	148-a
Unsound or unwholesome, sale prohibited	163
Unwholesome substances in	141
Utensils, for eating or drinking of:	
properly cleansed, after use	144
use in common, prohibited	143
Whipped butter, permit to whip	151-c
FOODHANDLER	
Carrier, not to be employed as	146
Diseased in communicable form, not to be employed	146
Duty to report in certain diseases, if in household	86
Exclusion from work, if a contact	89
FOOD POISONING, (group of cases) to be reported	93
FOUNTAINS, use of lead or cadmium in manufacture of, prohibited	145
FROZEN DESSERTS—see "Food"	
FUNERAL DIRECTORS—see "Undertakers"	
FUMES, removal of, by suction devices	339
FUMIGANTS, EXTERMINATORS AND INSECTICIDES	
Bacterial organisms, prohibited	104 sub. (e)
Business of, regulated, permit	104
Definitions	104
Fluorides, sale and use of, regulated	104
Gas mask, use and sale of, regulated	104 sub. (f)
Operator permits	104
Permit fees	191
Poisons, used as, to be labeled	104 sub. (b)
FURS, contaminated; condemnation authorized	129
GARBAGE, REFUSE AND RUBBISH	
Accumulation, retention and disposal of	242, 212
Boats and docks with, regulated	245, 246
Boiling of offal in Manhattan, prohibited	323
Boiling of offal or of offensive vegetable matter, regulated, permit	324
Definitions	2
Disposal of, restricted	234
Employees, Department of Sanitation, not to be interfered with	315
Filling in land with, prohibited	252
Receptacles for	248
Receptacles, not to be interfered with	249, 316
Removal of, regulated	242, 243, 248, 250
Sidewalks, to be kept free from	53
Throwing into lots and streets, prohibited	315
Transportation of, regulated	239, 240
Vehicles for removal of, regulated	244
Vehicles, spilling, etc., on streets, prohibited	317

	Section
GAS	
Flexible gas tubing, manufacture of, regulated	344
Manufacture of, regulated and restricted	333
Nuisance caused by discharge of, prohibited	212
Piping, to be kept in good repair	277
Removal from workrooms, suction devices to be provided	339
GAS TUBING , sale and use, regulated	344
GAS MASKS for fumigation, regulated	104 sub. (f)
GELATIN (food) defined, sale of, regulated	178
GERMAN MEASLES (Rubella or Rotheln)	
To be reported	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
GLANDERS , to be reported (see also "Animals")	86
Isolation, etc.	89
Isolation in institutions	96
GLASS , finely spun, labelling of, product	223
GLUE , making of, regulated	324
GOATS —see "Animals"	
GONOCOCCAL INFECTION (Gonorrhea), to be reported	88
GUT CLEANING , restricted	324
GUTTERS	
Cleaning of	311
Obstruction of, prohibited	312
GYMNASIUM , ventilation and sanitary conditions	57
HAIR , escape of bits of loose	253
HAIR , articles containing, manufacture and sale of	230
HAIR BRUSHES , manufacture and sale of, regulated	230
HAIRDRESSING , business of, regulated, permit	335
HAIR DYES	
Aniline derivatives, use and sale of, regulated	128
Contaminated, condemnation authorized	129
HANDBILLS , distribution, restricted	318
HARMFUL DRUGS , defined and regulated	126-a
HEATING	
Buildings	225
Railroad cars, public vehicles, ferryboats	304
Theatres, etc.	55
HIDES	
Business of skinning, tanning, etc., regulated	323, 324, 328
Contaminated, condemnation authorized	129
HOMOGENIZED MILK —see "Milk and Milk Products"	
HORSES —see "Animals"	
HORSE MEAT , slaughter and sale, regulated	327
HORSESHOEING ESTABLISHMENT , regulated	342

	Section
HOSPITALS AND INSTITUTIONS	
Abortion and miscarriage (criminal) to be reported	86, 90
Communicable diseases, carriers of disease, occupational diseases, and other conditions, duty to report, isolation, etc.—see “Communicable Diseases and Conditions.”	
Deaths and fetal deaths, occurring in—see “Deaths, Fetal Deaths and Dead Bodies”.	
Drugs, all to be labeled	220-a
Live births, duty to report; register to be kept	31
Lying-in institutions and new-born nurseries, regulated	110
HOUSEBOATS, use thereof regulated, permit	360
HYPODERMIC SYRINGE	
Possession for drug use, restricted	132
Vehicles transporting meat, prohibited	140-a
ICE CREAM, ICES AND ICE CREAM MIX—see frozen desserts under “Food”.	
ILLUMINATING GAS, poisoning from—see “Occupational Diseases.”	
IMPETIGO CONTAGIOSA NEONATORUM, etc., to be reported	86
INFLUENZA, to be reported	86
INSECTICIDES—see “Fumigants, Exterminators and Insecticides”.	
INSTITUTIONS—see “Hospitals and Institutions”.	
INSPECTION	
Food and drugs, authorized	136
Interfering with inspector	186
Interfering with employees, Department of Sanitation	315
INTERMENT—see “Deaths, Fetal Deaths and Dead Bodies”.	
ISOLATION—see “Communicable Diseases and Conditions”.	
KERNEL PASTE, sale regulated	139-d
LABORATORIES	
Clinical, regulated, permit	105
X-Ray, regulated, permit	107
LAMPBLACK, business of; regulated, permit	332
LAUNDRIES, public; regulated	336
LEAD	
Faucets, tanks, fountains, etc., use of, prohibited	145
Nipple shields, use or sale of, prohibited	111
Poisoning from—see “Occupational Diseases”	
LEPROSY	
Duty to report	86
Isolation, etc.	89
LEPTOSPIROSIS Icterohemorrhagica (Weil’s disease), duty to report	86
LIGHT	
Defined	2
Building, adequacy of	52
Depots, railroad cars, ferryboats, etc.	305
Factories and workrooms	55
Theatres	55
LIME, sieving in the open, prohibited	253

	Section
LIVE BIRTHS	
Ambulance service, occurring on, to be reported	31
Duty of physician, midwife, hospitals, etc. to report	31
False statement, forgery, etc.	36
Fee, not to be charged for certificate of	34
Reporting of, regulated	31
Supplementary medical report of	31
Vessels, occurring on; master to report	357
LIVING ORGANISMS —see “Biological Products”	
LODGING HOUSE	
Defined	2
Common eating and drinking utensils, prohibited	143
Overcrowding, prohibited	56
Regulated, permit to maintain	334
Seamen, illness to be reported	362
Spitting forbidden	213
Toilets, to be provided	284
LOOSE MILK, CREAM, ETC. —see “Milk and Milk Products”	
LOTS	
Accumulations of water on, prohibited	251
Drainage of	272
Fence to be provided	251
Filling in, materials prohibited	252
Garbage, etc., not to be thrown on	251, 315
To be kept clean	251
Poison ivy and ragweed growth prohibited	221
LYING-IN INSTITUTIONS , regulated	110
LYMPHOGRANULOMA VENEREUM , to be reported	86
MALARIA , to be reported	86
MALTED MILK , defined	2
MANICURING , (Beauty Parlor) permit	335
MANUFACTORIES —see “Factory” and specific subjects.	
MANURE —see “Garbage, Refuse and Rubbish”	
MARSH LAND , drainage of	272
MASTER PLUMBERS , license and metal plates	288
MATS , particles from shaking and beating, prohibited	253
MATTRESS , burning or depositing on street, permit	242
MEASLES (Rubeola)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institution	96
MEAT —see “Food”	
MEDICAL EXAMINER	
Deaths, duty to report	33
Fetal deaths, duty to report	32
MEDICINES —see “Drugs and Medicines”	
MENINGITIS MENINGOCOCCUS (Epidemic cerebro-spinal meningitis)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89

	Section
MERCURY, poisoning from—see “Occupational Diseases”	145
METALS	
Cadmium or lead in faucets, fountains, etc., prohibited	145
Refining regulated, permit	332
METHYL ALCOHOL (Wood Alcohol)—see “Alcohol” and “Occupational Diseases”	
MIDWIVES	
Fetal deaths, duty to report and keep register	32
Fee for permit to practice	191
Fee, not to be charged for filing birth or fetal death certificate	34
Live births, duty to report and keep register	31
Ophthalmia neonatorum, precautions	201
Practice of midwifery regulated, permit	196
MILK AND MILK PRODUCTS	
Adulterations, unwholesome, unclean	151
Adulterations of milk, cream and butter	152
Authority to condemn and destroy food in general	137
Authority to seize and destroy adulterated milk, cream, etc.	153
Bottles, cans and receptacles, use regulated	159
Bottles, cans and receptacles, (empty), contamination	159-a
Butter, defined, adulterations	152
Butter, sale and manufacture, permit	151-a
Butter, whipped; permit	151-c
Buttermilk and cultured buttermilk, defined	2
Buttermilk, quality of product regulated	158
Certified milk and cream	156
Cheese, adulterated	151
Cheese, (cream), defined	151-a
Cheese, sale and manufacture, permit	151-a
Chocolate and cocoa milk, defined	2
Chocolate and cocoa flavored drinks, defined	2
Condensed milk (concentrated, evaporated, also sweetened), defined	2
Condensed milk, regulated	154
Condensed skimmed milk, defined	2
Cream, defined	2
Dispensing devices, to be satisfactory	159-b, 159-c
Dried milk and dried skimmed milk, defined	2
Emergency distribution of milk	157-a
Fermented milks, quality of product	158
Foodhandlers, milk and cream, medical certificates required	146
Frozen desserts (ice cream, ice cream mix, etc.) see “Food”	
Grades and designations of milk and cream, regulations	156
Homogenized milk, defined	2
Homogenized milk, regulated	155-b
Imitation milk and cream, prohibited	179
Inspection authorized	186
Loose milk, prohibited, exception	159-b
Loose cream, buttermilk, etc., prohibited, exception	159-c
Malted milk, defined	2
Milk, defined	2
Matzoa, quality of product	158
Modified milk, defined	2
Permit required for sale and transportation, exception	155
Skimmed milk, defined	2
Skimmed milk, to conform to grade standards	157
Sour milk and cream, quality of product	158
Unwholesome, unclean or adulterated	151
Vitamin D milk and milk products, regulated, permit	155-a
Zoolak, quality of product	158
MISCARRIAGE (fetal death)—see “Deaths, Fetal Deaths and Dead Bodies”	
MISFEASANCE AND NONFEASANCE	181

	Section
MODIFIED MILK, defined	2
MOSQUITOES, drainage of lots to prevent	272
MUMPS (parotitis, epidemic)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institutions	96
NEW-BORN NURSERIES, regulated	110
NIGHT SOIL—see “Garbage, Refuse and Rubbish.”	
NIPPLE SHIELDS (lead), use and sale prohibited	111
NOISE, from	
Automobiles and vehicles, prohibited	229
Bells, gongs, etc., prohibited	228
Birds and animals, prohibited	215
Boats and other water crafts, prohibited	361
Radios, phonographs, etc., prohibited	215-a
NOTICES of the Department, not to be mutilated or torn down	189
NUISANCE	
Abatement	185
Ashes, discharge or escape of	212
Cesspools, vaults, privies, etc.	235
Cinders, discharge or escape of	212
Conditions (in general), dangers to life and health	183
Dead or diseased animals, removal of	243
Dogs, to be controlled not to commit	227
Dust, discharge or escape of	212
Dust and other materials, exposure	253
Fish, refuse, etc., disposal of	247
Gas and offensive odors, discharge or escape of	212
Joint and several responsibility	51
Odors, offensive or noisome, prohibited	212
Odors, from gas works, prohibited	333
Offensive and noxious substances, removal of	243
Sidewalks, or in or about buildings	53
Steam, discharge or escape of	212
Vehicles, to be kept inoffensive	244
Waste, soil, and vent pipes not to create	281
NURSE	
Hypodermic syringe, possession authorized	132
Ophthalmia neonatorum precautions	201
Qualifications	219
NURSERIES, new-born, regulated	110
NURSERY SCHOOLS, defined in “Agency, giving day care to children”....	198
OCCUPATIONAL DISEASES AND INJURIES	
Duty of employer to prevent	337
Reporting of, required	86, 92
OCCUPATIONS AND BUSINESSES—see “Trades, Occupations and Businesses”	
OCEAN BATHING, regulated	341
ODORS—see “Nuisance”	
OFFAL—see “Garbage, Refuse and Rubbish”	

	Section
OFFENSIVE CONDITIONS—see “Nuisance” also “Garbage, Refuse and Rubbish”	
OFFENSIVE TRADES, OCCUPATIONS AND BUSINESSES—see “Trades, Occupations and Businesses”	
OIL BOILING, regulated, permit	332
OPHTHALMIA NEONATORUM	
Duty to report	91
Precautions to be observed	201
ORDERS OF BOARD	
Abatement of nuisance	185
To be observed and obeyed	184
ORES, refining of, regulated, permit	332
OVERCROWDING, in factories, boarding and lodging houses, etc., prohibited. 56	
OWNER, LESSEE, TENANT, etc., joint and several responsibility	51
OYSTERS—see shellfish under “Food”	
PARATYPHOID FEVER	
Duty to report	86
Isolation	89
PATENT AND PROPRIETARY MEDICINES—see “Drugs and Medicines”	
PERMIT	
Defined	2
Fees and general provisions	191
Revocation by commissioner, appeal	191 sub. (e)
PERMIT REQUIRED FOR	
Agency giving day care to children	198
Addition of chemicals to water supply	170
Barber shop, to maintain	335
Bathing establishment	340
Beauty parlor, to maintain	335
Blood donor (certificate of registration)	108
Blood donor agency, to maintain	109
Board and care of children	197
Boiling varnish, oil, etc.	332
Bones:	
boiling and grinding	324
collection and transportation	241
Butter, to manufacture and to sell at, wholesale	151-a
Butter, to whip	151-c
Camps:	
agencies sending children to, registration	217-a
establishment and maintenance in city	217
trailer, to maintain	217-b
Cargo, to discharge	358
Cattle, to keep	11
Cattle, to slaughter	325
Cemetery and crematory, new	45
Cheese, to manufacture and to sell at wholesale	151-a
Children, board and care of	197
Children, agency giving day care to	198
Cows, to keep	11
Dead bodies of human beings, to remove	37
Dead bodies of human beings, interment, cremation or disposition	42
Eggs, sale at wholesale	151-a
Eggs, business of breaking out	331
Exterminators (business of and operators)	104
Fat rendering and melting	329
Frozen desserts (various classes)	177
Fumigator (business of and operators)	104

PERMITS REQUIRED FOR— <i>Continued</i>		Section
Garbage, manure, swill, ashes, removal of	240	
Gas, manufactory	333	
Geese, to keep	11	
Goats, to keep	11	
Hides, tanning, skinning, etc.	328	
Horsemeat, sale, etc.	327	
Horses, to keep	11	
Houseboat, use thereof	360	
Ice cream, manufacture, etc.	177	
Laboratories:		
clinical	105	
x-ray	107	
Lodging house	334	
Master plumber (license and metal plate)	288	
Mattress, burning of	242	
Milk and milk products	155, 191	
Offal or butcher's refuse, transportation	239	
Offensive and noisome business	324	
Offensive matter or substances, disturbing	232	
Poultry and rabbits (live), to sell and to keep	19	
Privies, etc., removal of contents	236	
Refining of ores, metals or alloys of metals	332	
Removal of persons sick of an infectious disease	354	
Restaurant, to maintain	149	
School, to maintain	222	
Sheep, to keep	11	
Shellfish, to sell (shipper to register)	164	
Shellfish (oysters) for transplanting	164-a	
Shelter, for homeless animals	16	
Slaughter of cattle, sheep, goats, pigs, calves and poultry	325	
Smoking meat, fish, etc.	330	
Soft drinks, to sell	165-a	
Swine, to keep	11	
Stable, to keep	58	
Storage of skins, hides, rags from foreign country, etc.	359	
Undertaking, business of	46	
Vessels, removal of articles exposed to disease	355	
Vitamin D milk, processing, etc.	155-a	
Water, artificial, natural, mineral, etc., sale, etc.	165	
Water from wells, use of	168	
Waterboats, operation of	167-b	
Water supply, addition of chemicals to	170	
PERSON, defined	2	
PHARMACIST—see “Drugs and Medicines”		
PHOSPHORUS, poisoning from—see “Occupational Diseases”		
PHYSICIAN—see also “Communicable Diseases and Conditions”, “Deaths, Fetal Deaths and Dead Bodies”, “Drugs and Medicines”		
Defined	2	
Free distribution of vaccine, anti-toxin, etc.	121	
Ophthalmia neonatorum precautions	201	
Registration of	218	
PIGS—see “Animals”		
PLAGUE, bubonic		
Duty to report	86	
Isolation, etc.	89	
Isolation in institutions	96	
PLUMBER, master; license	288	

	Section
PLUMBING, DRAINAGE AND SEWERAGE	
Accumulation of water or liquid on street, to be removed	271
Change of, affecting other premises, regulated	275
Drain, soil and waste pipes; joints and connections	279
Drain pipes from refrigerators, discharge of	280
Drain, soil pipes, connections between sewer and building to be adequate	276
Drainage of marsh land	272
Drainage upon sidewalk, prohibited	271
Drainage and sewage to low tide mark	274
Master plumbers, to be licensed	288
Material, not to be used for ventilation and plumbing	282
Plumbing and gas piping to be kept in good repair	277
Plumbing fixtures, to be separately trapped	278
Privies and toilets to be provided	284
Privies to be screened	286
Privies, temporary, to be provided during construction work	285
Privy vaults and cesspools, construction	287
Rain water leaders and gutters, adequacy and restrictions	283
Sewers, to be adequately flushed, duty of officials	273
Sewerage, change affecting other premises	275
Sewerage in buildings to be adequate	52
Toilets, to be provided	284
Waste, soil and vent pipes, to extend above roof	281
PNEUMONIA , all forms, to be reported	86
POISONS	
Bichloride of mercury, sale regulated	125
Carbolic acid, sale regulated	123
Food and drugs, not to contain poisonous substance	141, 147
Sale and distribution of, regulated	122
Wood alcohol, etc., sale regulated	124
POISON IVY , growth prohibited on lots, etc.	221
POLIOMYELITIS , anterior, acute (Infantile paralysis)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
POULTRY —see “Food”	
PRESCRIPTION —see “Drugs and Medicines”	
PRESERVATIVES —see “Food”	
PRIVIES —see also “Plumbing, Drainage and Sewerage”	
Contents, nuisance prohibited	235
Disinfection and removal of contents	236
Use of, limited	237
Vehicles carrying contents, regulated	244
PROPRIETARY AND PATENT MEDICINES —see “Drugs and Medicine”	
PSITTACOSIS (Parrot fever)	
Duty to report	86
Isolation, etc.	89
PSITTACINE BIRDS —see “Birds”	
PUERPERAL SEPTICEMIA , defined, duty to report	86, 91
PUBLIC LAUNDRY	
Defined	2
Regulated	336
PUBLIC PLACE , defined	2

	Section
PUNISHMENT FOR VIOLATION OF SANITARY CODE	224
PUSHCARTS	
Beverage and drinks, sale regulated	144
Candy, bakery products, etc. to be wrapped	142
Fish, sale regulated	150-a
Shellfish, sale prohibited, exception	150-a
QUARANTINE—see “Communicable Diseases and Conditions”	
RABBITS (live) —see “Animals”	
RABIES	
Animals suffering from or suspected of, to be reported	10
Persons with, to be reported	86
RADOS, PHONOGRAPHS, etc., noise from, prohibited	215-a
RAGS	
Particles from not to escape on street	253
Storage, removal and distribution, regulated, permit	359
RAGWEED, growth on lots, prohibited	221
RAILROAD CARS AND OTHER PUBLIC VEHICLES	
Cars, ferryboat, depot, etc., cleaned daily	301
Conveying of soiled clothing or bedding, restricted	302
Defined as “building”	183
Heating and lighting	304
Ventilation	303
RECORDS—see “Confidential Records”	
REFINING OF METAL ORES, etc., regulated, permit	332
REFRIGERATORS, DRAINS AND DISCHARGE	280
REFUSE—see “Garbage, Refuse and Rubbish”	
REGISTRATION	
Agency sending children to camp	217-a
Brushes and cloth made from animal hair or sheep wool	230
Gas tubing, flexible	344
Physicians	218
Proprietary and patent medicines	117
Sextons	43
Shellfish and shippers	164
REGULATIONS AND ORDERS OF BOARD, to be obeyed	184
RENOVATION OF PREMISES (communicable disease)	101
REPORT, defined	2
REPORTABLE DISEASES AND CONDITIONS—see “Communicable Diseases and Conditions”	
RESTAURANTS	
Defined and regulated; permit	149
Fee for permit	191
Permit includes all foodstuffs, etc.	191 sub. (j)
Towels (common), prohibited	214
ROCKY MOUNTAIN SPOTTED FEVER, to be reported	86
ROOFS	
Dogs not to commit nuisance	227
To be kept in good repair	59

RUBBISH—see “Garbage, Refuse and Rubbish”	Section
RUGS, shaking and beating in open, prohibited	253
SACCHARINE, use in beverages, to be declared	139-b
SAND, not to be sieved, agitated or exposed	253
SANITARIUM—see “Hospitals and Institutions”	
SANITARY CODE	
Defined	2
Punishment for violation of	224
SAUSAGES—see “Food”	
SCARLET FEVER (Scarlatina)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institutions	96
SCHOOL CHILDREN, physical care of	200
SCHOOLS	
Common eating and drinking utensils, prohibited	143
Communicable diseases:	
exclusion of children	94
exclusion of teachers, etc.	95
Physical care of children	200
Regulated, permit to conduct	222
Sanitary conditions	57
Towels (common), prohibited	214
Ventilation	57
SEPTICEMIA, puerperal; defined, to be reported	86, 91
SERUM—see “Biological Products”	
SEWERAGE AND SEWERS—see “Plumbing, Drainage and Sewerage”	
SEXTONS	
Duties	44
To register with Department	43
SHEEP—see “Animals”	
SHELLFISH—See “Food”	
SHELTER FOR HOMELESS ANIMALS, permit	16
SIDEWALKS	
Cleaning of, in general	53
Spitting, prohibited	213
Sweeping after 8 A.M. prohibited	53, 315
SKIMMED MILK—see “Milk and Milk Products”	
SKINS (Animal)	
Condemnation authorized	129
Removal from boats, regulated	359
Skinning, regulated, permit	324
Skinning and tanning, regulated, permit	328
SKYLIGHTS, to be kept in good repair	59

	Section
SLAUGHTER	
Cattle, not to be overheated or feverish	161
Cattle, poultry, regulated, permit	325
Cattle, in Manhattan, restricted	326
Horses for food, regulated, permit	327
SLEEPING in bathrooms or cellars, prohibited	54, 62
SMALLPOX (Variola)	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institutions	96
SMOKE , dense; prohibited	211
SMOKING IN SUBWAYS , prohibited	216
SMOKING OF MEATS, FISH, etc. , regulated, permit	330
SNAKES , prohibited	22
SNEEZING , when; protect nose and mouth	226
SODA WATER —see “Drinks”	
SOFT DRINKS —see “Drinks”	
SOIL PIPES —see “Plumbing, Drainage and Sewerage”	
SOMNIFACIENT DRUGS —see “Drugs and Medicines”	
SOUR MILK AND CREAM —see “Milk and Milk Products”	
SPITTING , forbidden in public places, notices, etc.	213
STABLE	
Defined	2
Regulated, permit	58
STATIONS —see “Railroad Cars And Other Public Vehicles”	
STEAM , discharge of, not to be an annoyance	212
STERILIZATION , required in manufacture of brushes, cloth or other materials containing horse hair, goats' hair, cows' hair or sheep wool....	230
STILLBIRTH (fetal death)—see “Deaths, Fetal Deaths and Dead Bodies”	
STORES	
Overcrowding, prohibited	56
Regulated, where food is sold	150
Sanitary conditions, heating, humidity	55
Spitting forbidden, receptacles	213
Toilets, to be provided	284
Towels (common), prohibited	214
STREETS	
Defined	2
Accumulation of boxes, crates, etc.; prohibited	253
Circulars, placards, etc.; distribution restricted	318
Cleaning method regulated	31
Drainage responsibility	271
Drugs, sale prohibited	119-a
Dust, sieving, agitation, etc.; prohibited	253
Fish, sale regulated	150-a
Handbills, etc., distribution restricted	318
Obstructions, prohibited	312
Rags, not to be exposed	253

	Section
STREETS—Continued	
Shellfish, sale prohibited, exception	150-a
Throwing refuse, garbage, etc., prohibited	315
Vehicles, contents spilling, etc., prohibited	317
STREPTOCOCCUS SORE THROAT , epidemic, to be reported	86
SUNDRIES , contaminated; sale prohibited	118-a
SWILL —see “Garbage, Refuse and Rubbish”	
SWINE —see “Animals”	
SYPHILIS , to be reported	88
TANKS , etc., for food or drink, cadmium and lead, prohibited	145
TANKS , water; on roof; use regulated	61
TANNING —see “Skins”	
TENEMENT HOUSE —manufacturing in infected home, prohibited	99
TENT —see “Camps”	
TETANUS , to be reported	86
THEATRE	
Defined	2
Conditions, heating and ventilation	55
Common eating and drinking utensils, prohibited	143
Spitting, prohibited	213
Towels (common) prohibited	214
TOBACCO —see “Cigarettes, Cigars and Tobacco”	
TOILET PREPARATIONS —see “Cosmetics”	
TOILETS —see “Plumbing, Drainage and Sewerage”	
TOMB , permit for	45
TOWELS (common), prohibited	214
TRACHOMA , to be reported	86
TRADES, OCCUPATIONS AND BUSINESSES —see also “Permits” for conduct of various businesses	
Boiling of varnish or oil, regulated, permit	332
Certain offensive or noisome; prohibited in Manhattan	323
Certain offensive or noisome; regulated	324
Cigars, cigarettes and tobacco, manufacture regulated	338
Distilling of alcoholic spirits, regulated, permit	332
Eggs, business of breaking out, regulated, permit	331
Factories and workrooms, suction devices to remove dust, gases, etc.	339
Fat rendering and melting, regulated, permit	329
Gas manufacture, regulated and restricted	333
Horseshoeing establishment, regulated	342
Lampblack, turpentine and tar, making of, regulated, permit	332
Laundries (Public), regulated	336
Lodging houses, regulated, permit	334
Occupations and businesses, dangerous and detrimental to health, pro- hibited	321
Occupational diseases, employer to provide means to prevent	337
Offensive or noisome (in general); regulated, permit	322
Refining of ores, metals, etc., regulated, permit	332
Slaughter of cattle, poultry, etc., regulated, permit	325
Slaughter of cattle, etc. in Manhattan, restricted	326
Slaughter of horses, and sale for food, regulated, permit	327
Smoking or preserving meat and fish, regulated, permit	330
Tanning, skinning, etc., hides and leather, regulated, permit	328

	Section
TRAILER CAMPS, defined, regulated, permit	217-b
TRICHINOSIS, to be reported	86
TROUGHS, watering, for horses, prohibited	314
TUBERCULOSIS	
Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Records confidential	86
X-ray examination of children	94
TULAREMIA, to be reported	86
TURPENTINE, making of; regulated, permit	332
TYPHOID FEVER	
Duty to report	86
Isolation, etc.	89
TYPHUS FEVER	
Duty to report	86
Isolation, etc.	89
UNDERTAKERS	
Business of, regulated, permit	45
Death certificate, duty to file	33
Fetal death certificate, duty to file	32
Funeral in certain communicable diseases	103
Permit fee	191
UNDULANT FEVER (Malta Fever), to be reported	86
UTENSILS (Food)	
Properly cleansed after use	144
Use in common, prohibited	143
UNWHOLESMOVE FOOD—see “Food”	
VACANT LOTS, regulated	251
VACCINATION, duty of parents, etc.	199
VACCINE—see “Biological Products”	
VALERIAN AND VALERIANATE—see “Drugs and Medicines”	
VAULTS, for burial, permit	45
VEGETABLES, defined as food	2
VENEREAL DISEASES, to be reported, record confidential	88
VENTILATION	
Buildings, in general	52
Cattle, place of keeping	14
Factories and workrooms, devices for removal of dust, gases, etc.	339
Plumbing and sewers	282
Public vehicles (railroad cars)	303
Schools, gymnasiums and places of worship	57
Theatres, manufactories and workrooms	55
VENT PIPES—see “Plumbing, Drainage and Sewerage”	
VERMIN, extermination fumigation	104

VESSELS

	Section
Bedding, etc., not to be cast in public waters	356
Bedding, skins, hides, rags, etc., removal from, regulated	359
Births and deaths, duty to report	357
Cargo discharge of, regulated	358
Dense smoke, discharge, of, prohibited	211
Docking with offensive matter, regulated	245
Duty to make daily report of illness	353
From infected ports, regulated	352
Garbage, manure, offal, etc., retention and disposal	242
Houseboats, regulated, permit	360
Noise from combustion engine, prohibited	361
Odors, cinders, dust, etc., annoyance by discharge of, prohibited	212
Removal of persons and articles exposed to disease, restricted	355
Removal of persons sick of infectious disease	354
Report facts of person sick with disease	351
Spitting forbidden, receptacles for	213
Towels (common), prohibited	214
Transportation of garbage	238
Water boats, permit	167-b

VETERINARIAN

Animals with communicable disease, to report	3
Dog and other animal bites, to report	10
Hypodermic syringe, possession authorized	132
May prescribe drugs:	
barbital and hypnotic	126
harmful	126-a
valerian and valerianate	127

VIRUS—see “Biological Products”

VITAMIN D MILK—see “Milk and Milk Products”.

WATER

Artificial, natural, mineral, etc., manufacture, permit	165
Boats, permit	167-b
Chemicals, addition of, to house water supply	170
Drinking hydrant, not to be impaired	169
Lots, accumulation on, prohibited	251
Offensive, on grounds or premises, prohibited	231
Public water supply; purity, etc., protected	166
Public water supply; duty of authorities	167
Water boats, permit	167-b
Well water, use restricted, permit	168

WATER TANKS, on roofs

Overflow from, regulated	280
Use regulated	61

WATER TROUGHS (common) for horses, forbidden

WEILS DISEASE, to be reported	86
-------------------------------------	----

WELLS, use of water from, restricted, permit

WHOOPING COUGH (pertussis)	
----------------------------	--

Duty to report	86
Exclusion of children	94
Exclusion of teachers, etc.	95
Isolation, etc.	89
Isolation in institutions	96

WILD ANIMALS, keeping, prohibited

WINDOWS, conditions	59
---------------------------	----

	Section
WOLVES, keeping prohibited	22
WOOD ALCOHOL—see “Alcohol” and “Occupational Diseases”	
WOOL, sheep; sterilization etc., regulated	230
X-RAY LABORATORY, permit	107
X-RAY EXAMINATION of children in cases of tuberculosis	94
YELLOW FEVER	
Duty to report	86
Isolation, etc.	89

